

**HEARING ON THE NOMINATIONS OF SHANNON
ESTENOZ TO BE ASSISTANT SECRETARY OF
FISH AND WILDLIFE AND PARKS OF THE
DEPARTMENT OF INTERIOR, RADHIKA FOX
TO BE ASSISTANT ADMINISTRATOR FOR
WATER OF THE ENVIRONMENTAL PROTECTION
AGENCY, AND MICHAL FREEDHOFF TO BE
ASSISTANT ADMINISTRATOR FOR CHEMICAL
SAFETY AND POLLUTION PREVENTION OF THE
ENVIRONMENTAL PROTECTION AGENCY**

HEARING

BEFORE THE

**COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE**

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

MAY 12, 2021

Printed for the use of the Committee on Environment and Public Works



Available via the World Wide Web: <http://www.govinfo.gov>

U.S. GOVERNMENT PUBLISHING OFFICE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

THOMAS R. CARPER, Delaware, *Chairman*

BENJAMIN L. CARDIN, Maryland

BERNARD SANDERS, Vermont

SHELDON WHITEHOUSE, Rhode Island

JEFF MERKLEY, Oregon

EDWARD J. MARKEY, Massachusetts

TAMMY DUCKWORTH, Illinois

DEBBIE STABENOW, Michigan

MARK KELLY, Arizona

ALEX PADILLA, California

SHELLEY MOORE CAPITO, West Virginia

Ranking Member

JAMES M. INHOFE, Oklahoma

KEVIN CRAMER, North Dakota

CYNTHIA M. LUMMIS, Wyoming

RICHARD SHELBY, Alabama

JOHN BOOZMAN, Arkansas

ROGER WICKER, Mississippi

DAN SULLIVAN, Alaska

JONI ERNST, Iowa

LINDSEY O. GRAHAM, South Carolina

MARY FRANCES REPKO, *Democratic Staff Director*

ADAM TOMLINSON, *Republican Staff Director*

C O N T E N T S

	Page
MAY 12, 2021	
OPENING STATEMENTS	
Carper, Hon. Thomas R., U.S. Senator from the State of Delaware	1
Capito, Hon. Shelly More, U.S. Senator from the State of West Virginia	4
WITNESSES	
Estenoz, Shannon, Nominee to be Assistant Secretary of Fish and Wildlife and Parks of The Department of Interior	8
Prepared statement	11
Responses to additional questions from:	
Senator Kelly	14
Senator Capito	16
Senator Boozman	22
Senator Wicker	22
Fox, Radhika, Nominee to be Assistant Administrator for Water of the Envi- ronmental Protection Agency	25
Prepared statement	27
Responses to additional questions from:	
Senator Kelly	30
Senator Capito	32
Senator Sullivan	36
Senator Ernst	37
Freedhoff, Michal, Nominee to be Assistant Administrator for Chemical Safe- ty and Pollution Prevention of the Environmental Protection Agency	38
Prepared statement	40
Responses to additional questions from:	
Senator Kelly	43
Senator Capito	44
Senator Inhofe	51
Senator Cramer	53
Senator Lummis	55
Senator Boozman	56
Senator Wicker	62
Senator Ernst	63
ADDITIONAL MATERIAL	
Letter from the office of Chemical Safety and Polution	69
Letters of Support for Radhadi Fox from Waterkeepers Chesapeake, Moonshot Missions, and South Easterners Royal Community Assistance Project	74
Letter to Acting Director from a number of organizations from North Dakota .	82
Article from Florida Phoenix to Shannon Estenoz	110
Letters of support of the nomination of Shannon Estenoz:	
43 undersigned organizations	119
Captains for Clean Water	121
The National Park Hospitality Association	123
The National Audubon Society	124
Bonefish and Tarpon Trust (BTT)	125
Hunters, anglers, outdoor enthusiasts, and land stewards	127
National Parks Conservation Association (NPCA)	129
Outdoor Recreation Roundtable (ORR)	131

	Page
—Continued	
Senator Marco Rubio	133
The Corps Network	134
Letters of support of the nomination of Radhika Fox:	
Association of Equipment Manufacturers (AEM)	135
Alexandria RENEW Enterprise	136
American Flood Coalition	137
American Water Works Association	138
American Water Works Association Rocky Mountain Section	139
American Water Works Association California-Nevada Section	140
Association of Regional Water Organizations	141
Black & Veatch Corporation	142
Bowman Environmental Consulting	143
Chamber of Commerce of the United States of America	144
Children’s Environmental Health Network	145
Nav Ota, Utilities Director, City of Bellevue	146
Clean Water Action	148
Undersigned members and partners of the Clean Water for All Coalition ..	149
Mount Pleasant Waterworks Clean Water	151
Columbia Riverkeeper	152
Community Water Center	154
Cooper Ferry Partnership	156
Coosa Riverkeeper	157
Community Water Systems Alliance (CWSA)	158
Dietel & Partners	159
Ecosystem Investment Partners	160
Evoqua Water Technologies	161
Family Farm Alliance	162
Freshwater Future	164
Galveston Bay Foundation	165
Georgia Section American Water Works Association	166
GreenLatinos	167
Gulf Coast Center for Law & Policy	168
Gulf Coast Sustainable Grower’s Alliance	169
Education Conservation Cooperation	170
International Union of Painters and Allied Trades, AFL-CIO	172
Iowa Soybean Association	173
Maryland Department of the Environment (MDE)	174
Milwaukee Water Commons	175
Missouri Section American Water Works Association	176
Metropolitan Sewer District, Safe Clean Waterways	177
National Latino Farmers & Ranchers Trade Association	179
National Municipal Stormwater Alliance	181
National Parks Conservation Association, May 7, 2021	183
National Recreation and Park Association	185
National Wildlife Federation	186
NC AWWA-WEA, American Water Works Association	188
Natural Resources Defense Council	189
David P. Ross, Former Assistant Administrator Office of Water, EPA	190
OHIO Section American Water Works Association, May 4, 2021	192
Pittsburgh Water & Sewer Authority	193
Policy Link	195
Physicians for Social Responsibility	196
PVC Pipe Association	198
River Network	199
Seattle Public Utilities	200
SERCAP, Inc.	202
Sierra Club	203
Department of Environment, Great Lakes, and Energy	204
The Conservation Fund	205
The Freshwater Trust	209
The Green Infrastructure Leadership Exchange	210
The Sewerage & Water Board of New Orleans	211
The Water Research Foundation	212
Tualatin Riverkeepers	214
Mayor Regina Romero, City of Tucson	216
United for Infrastructure	217

	Page
—Continued	
U.S. Water Alliance	218
Marc Edwards, Affiliatio-University Distinguished Professor, Virginia Tech	219
Detroit Water and Swewerage Department(DWSD)	221
Water for People	223
Water Foundation	224
Wimberley Valley Watershed Association (WVWA)	225
State of Wisconsin Department of Natural Resources	226
Milwaukee Metropolitan Sewerage District (MMSD)	227
Chamber of Commerce of the United States	229
Letters of support of the nomination of Michal Freedhoff:	
Household Commercial Products Association	230
ACS Chemistry for Life	232
Letter from several organizations to Hon. Michael S. Regan	234

**HEARING ON THE NOMINATIONS OF SHAN-
NON ESTENOZ TO BE ASSISTANT SEC-
RETARY OF FISH AND WILDLIFE AND
PARKS OF THE DEPARTMENT OF INTERIOR,
RADHIKA FOX TO BE ASSISTANT ADMINIS-
TRATOR FOR WATER OF THE ENVIRON-
MENTAL PROTECTION AGENCY, AND
MICHAL FREEDHOFF TO BE ASSISTANT AD-
MINISTRATOR FOR CHEMICAL SAFETY AND
POLLUTION PREVENTION OF THE ENVIRON-
MENTAL PROTECTION AGENCY**

WEDNESDAY, MAY 12, 2021

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:07 a.m. in room 253, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Markey, Kelly, Padilla, Inhofe, Cramer, Lummis, Boozman, and Ernst.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Good morning, everyone, Senator Capito.

I want to start off the hearing today and welcome our witnesses. I want to welcome the family members and hope you will introduce those who are here to cheer you on.

I want to start the hearing by expressing my thanks to Senator Capito, to Adam and the folks who work with you, Mary Frances, John Caine and others who are part of our Water team on the Democratic side.

I like to describe this committee as workhorses, not show horses. I think we showed that in spades a couple weeks ago on the floor of the U.S. Senate. To be able to report out the first major infrastructure legislation and water bill on an 89 to 2 vote was a source of great pride.

I cannot tell you how many people have said to me, I am sure they have to you too, Senator Capito, how many of our colleagues have said it was like the Senate of old. People were able to offer their amendments but they also had the opportunity to share their

amendments with us and we could make them a part of the manager's amendment.

We had a real debate on amendments. We voted up or down and at the end of the day, we had just a wonderful vote, a very strong endorsement letter out of the Administration.

I explained to some of my colleagues and my wife when I got home that night, I said that it was one of my happiest weeks in the U.S. Senate in 20 years. I am just very, very proud of the work that we did.

We are working still on the next step, and that is surface transportation and I hope we can come through that with an equally good outcome.

I just want to say thanks to everyone who has been a part of that, a special thanks to Senators Duckworth, Cardin, Inhofe, and Lummis. Thank you all for your good work and the work of your staff.

I am happy to see you. Some of you look pretty familiar and the other two, I really have not had a chance to see except maybe remotely. We are pleased to welcome each of you outstanding nominees to fill critically important roles at the Environmental Protection Agency, and in one case, within the Department of the Interior.

Thank you for joining us today. We thank your family members for joining us today. For those who might be joining us remotely, a big thank you to your family members who are willing to share you with all of us.

Before getting to the particulars of our nominees, I want to take a moment to reflect on the issues we, as members of the Senate Committee on Environment and Public Works, and our constituents back home are wrestling with that make these roles so critically important for each of us and each of our States. There isn't one of us who does not value the special natural spaces near our homes and in our States, including our national parks, including our wildlife refuges, from the First State National Historic Park to the Everglades and a lot of places in points east and west from there.

These spaces support the fish, support the wildlife and quality of life that we take every opportunity to brag about. I know I brag about our national parks, I brag about our national wildlife refuges in our States and I suspect each of you do for your own. These spaces support the fish, the wildlife, the quality of life that we take again every opportunity to brag about.

I think we have a moral obligation, which I talk about a lot, the moral obligation that we have to this planet that we have inherited. We have an obligation to care for these special places, we have an obligation to care for the habitats that they host, and the variety of species, including us, that they nurture.

Of course, that requires skilled and committed leadership in places like the Department of the Interior. We are thankful to Shannon Estenoz for offering that leadership.

Water has played, as I said earlier, a significant role in each of our lives already this morning. I don't know about you but we turned on the faucet at our home, brewed some coffee, and took a shower, with all the confidence that the water coming from our

spigots was clean and safe, whether because of lead or PFOS contaminants or other contaminants, or because they simply can't afford it.

We took a large step last week, as I said earlier, toward addressing the concerns with the passage of our Drinking Water and Wastewater Infrastructure Act, but there is a lot more still to do, as we know. I am grateful that Radhika Fox is ready to help us tackle those challenges at EPA.

Every day, millions of people across our Country struggle with the threats posed by chemicals that pervade their homes, their workspaces, their water, their food and household products. Whether it is from PFAS in their water, for ethylene oxide in their neighborhoods, or formaldehyde in their wallboards, people are suffering.

The American people need assurances that their products, their water, their food is safe for them and their families. That is a prodigious responsibility. We are grateful that Michal Freedhoff is willing to serve in this critical position.

Michal, as some of you know, used to work with Ed Markey, or actually, I think he worked for her in the House for a long time and maybe in the Senate as well. We are delighted that you have this opportunity to serve in a new capacity.

We are happy to welcome your daughters who are sitting over your left shoulder. I am always amazed at people like Michal, raising four kids, helping raise four kids and working really hard at the job here with all of us and somehow making it all work. Thank you.

To the girls, I want to say, those who are here and those watching remotely, thank you for sharing your mom with all of us.

Shannon Estenoz brings 24 years of conservation experience to the job, including as the Department of the Interior's Director of Everglades Restoration Initiatives and Executive Director of the South Florida Ecosystem Restoration Task Force. Her work prompted Eric Eichenberg, Everglades Foundation CEO, to say of her nomination, "They are bringing on an extraordinary woman who is committed to the natural resources and environment of this Country."

Radhika Fox brings to her prospective role as head of the EPA Water Office a deep understanding of water policy and the importance of making clean water accessible to all Americans, regardless of their income or regardless of their zip codes. She has found success in working with people across the spectrum, prompting, I think this is a quote from the Iowa Soybean Association, and I am going to quote, "Ms. Fox understands how water management issues are interwoven with the fabric of rural and urban communities and that our farmers must be part of the team and beneficiaries of this work. This integration is key for making real and long-lasting progress on protecting and improving water in the 21st Century." Again, that was a quote from Iowa Soybean Association.

Last, but certainly not least, is Michal Freedhoff, someone well known to us at EPW. I already spoken about her and rather than embarrass her further, I think we will cut to the chase and let me just say that we are lucky to have someone who has your profound understanding of chemicals, oversight and management policy.

During her time when she worked with Senator Markey, who was kind enough to let her come work with us on the Committee, she played a key role in helping convert a highly divisive bill to reform the Toxic Substances Control Act, better known as TSCA, into a package that gained broad bipartisan support throughout the Congress.

It was initially championed by Frank Lautenberg, as I recall, and later by Tom Udall and by David Vitter, an unlikely partnership but one that was successful. Michal deserves a lot of credit for getting us to the finish line.

It is that kind of knowledge-based, thoughtful and inclusive engagement that we so sorely need as head of the Chemical Safety Office at EPA. I think our Country will be well served to have Michal in that leadership role at EPA.

I thank you all of you again for your willingness to share your wisdom, your expertise, and your inclusive instincts with our Nation.

With that, I am happy to recognize the Ranking Member, Senator Capito, for her opening statement. Senator Capito.

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Mr. Chairman.

It is nice to be here with you after our win on the Water Bill on the floor. I add my voice of congratulations to you and your leadership team and your staff. Our staffs worked great together.

Somebody asked me, how did you do that? I said, well, we listened to our committee, and we listened to our witnesses, and we wrote a bill that tried to accommodate, as much as we could, the varying views.

I think in a place where there is a lot of talking, maybe listening is the better key to getting things done. You are a great listener and I appreciate being a part of your committee. Thank you for that. I also do want to thank the staff.

I look over here and I see three very talented women. I am very proud of the fact that, with your beautiful daughters here, we get to see more and more women taking the helm of the leadership positions in the highest levels of our government. Congratulations to the President for nominating three strong women and having them in front of our committee today.

We are going to look at another core function of our committee. Then I want to add a caveat that we are working hard to do the same thing with surface transportation that we were able to do with water. It is a heavier lift, we are finding, but we are working hard together to reach that point at which we can bring something to not just our committee, but to the full Senate as well.

We are gathering today to do the consideration and oversight of the President's nominees. You all have a wealth of experience in your respective fields, and the Chairman went over that.

Unlike the past nominees who have appeared before us this year, all three of today's nominees are already in place at the agencies in which you are nominated to serve. Put in another way, you have already been beginning to execute President Biden's agenda.

Ms. Estenoz, Ms. Fox, and Dr. Freedhoff, thank you for your willingness to serve and for appearing before us today. Given your perspective from now being inside the Administration, I especially look forward to hearing about the policies that you are working on. I am interested to know what roles you have played in the decisions that the Biden Administration has made to this point.

I also want to understand in which new or different directions you would push the Administration, being in a Senate-confirmed role, and what additional authorities you believe that additional layer of accountability will allow you to bring. That insider perspective will be very helpful to us.

From the outside, the pace of executive action has seemed to occur at warp speed and without a lot of external engagement, especially from many of us in Congress. As National Public Radio reported, President Biden issued more Orders in his first 100 days than any President since Harry Truman.

NPR observed that Biden “may have campaigned on bringing bipartisanship back to Washington, but much of his early focus at least is on policies that he can implement on his own.” That is an NPR quote. Many of President Biden’s key actions and reversals have come in the environment and energy policy area.

I understand that we should expect a new Administration of the opposite party to have different positions than its predecessor. However, the pace of these changes and their unilateral nature concern me.

Dramatic changes in regulations without adequate thought or input can hurt people, businesses, and local communities. That is particularly true during this economic recovery that we are facing.

Of particular concern to me and this committee are issues like the Biden Administration’s decision to revisit the Navigable Waters Protection Rule, we will be talking about that, the streamlined NEPA Act, and the recent Migratory Bird Treaty Rule, the last for which a proposal was just released last week.

That said, some of the activities we have seen so far at the Department of Interior and EPA I do agree with and wholeheartedly support. Just last week, I participated in the sign unveiling for America’s newest national park, really a source of pride for me, the New River Gorge National Park and Preserve. It is already bringing that economic opportunity and excitement to my home State. I cannot overstate how excited folks are, and I am too. Its administration will come under your oversight if confirmed, Ms. Estenoz.

In the activities of EPA, I was pleased to see the Administration prioritizing research on PFAS in its budget proposal. I am also glad EPA is moving forward with a primary drinking water regulation for PFOA and PFOS.

If confirmed in the Office of Water, Ms. Fox would take the lead on that. We already talked about that on our Zoom call.

Dr. Freedhoff, I know you have a wealth of experience. I believe we have actually been in the same room talking about PFOS together in your former role dealing with PFOS and other bio-accumulative chemicals from your years of service, including to our chairman, Chairman Carper. I look forward to hearing how the Office of Chemical Safety and Pollution Prevention also plans to address PFOS.

I hope we can use this hearing to discuss both my points of concern and equally important, our areas of agreement.

Thank you, Chairman Carper, for holding today's hearing. I turn it back to you.

Senator CARPER. Thank you, Senator Capito.

When you said the words the New River Gorge, it brought a smile to my face. As a little boy, I learned to fish there with my dad and my grandfather. What a beautiful place.

All right, thanks, Senator Capito. Now I want to introduce our nominees. I think Senator Markey is going to help me a little bit with one of them.

First, we have Shannon Estenoz to be Principal Deputy Assistant Secretary for Fish and Wildlife and Parks for the Department of Interior. Shannon served as Chief Operating Officer and Vice President of Policy for the Everglades Foundation. She has also served as the U.S. Department of the Interior's Director of Everglades Restoration Initiatives, and Executive Director of the South Florida Ecosystem Restoration Task Force.

Her previous professional roles also included Executive Director of the Environmental and Land Use Law Center; Everglades Program Director of the World Wildlife Fund; Sun Coast Regional Director of the National Parks Conservation Association; and three terms as the National Co-Chair of the Everglades Coalition.

Shannon's public service includes appointments to Florida's Governor Lawton Chiles, with whom I had the privilege of serving as Governor, on the Commission for A Sustainable South Florida; Governor Jeb Bush's Commission for the Everglades; the Governing Board of the South Florida Water Management District and Water Resources Advisory Commission; and the Broward Water Resources Task Force.

That is a pretty impressive list. We welcome you here today. I am going to ask you to share your testimony with us and then I will introduce Ms. Fox. Go ahead, please. Thank you, Shannon.

Senator MARKEY. Mr. Chairman.

Senator CARPER. Why don't you please go ahead, Mr. Markey.

Senator MARKEY. I appreciate that. Thank you so much. I would like to begin just by saying that I know your wife, Martha, thinks of you as a show horse while here you are a workhorse. But back in Delaware, you are the show horse.

[Laughter.]

Senator MARKEY. I thank you, Chairman Carper, and Ranking Member Capito, for the opportunity to introduce Michal Freedhoff before the committee today. It is wonderful that two of her four children are here with us, the twins, her oldest daughters, Zahava and Rena.

By nominating Dr. Freedhoff to serve as the EPA Assistant Administrator for Chemical Safety and Pollution Protection, President Biden is tapping an incredible scientific mind, a tenacious fighter for the public interest and a brilliant policymaker who has made a career out of bipartisan solutions.

With all due respect to Senator Inhofe of Oklahoma, with whom we disagree on climate issues, I have to give credit where credit is due because it was Dr. Freedhoff, working with Senator Inhofe's staff, who got us to work together and pass numerous pieces of bi-

partisan legislation on brownfields, on chemical safety in the interest of consumers and our communities. In my opinion, there is truly no better candidate than Michal Freedhoff for this very important job.

Dr. Freedhoff began her career in Congress in 1996 as a Science Fellow in my office in the House of Representatives. I couldn't have been too bad a boss because it began an incredible 20-plus years of work in Congress, including more than a decade of working with me in the House and the Senate from 1996 all the way up until 2017. congressional staffers and scientists reach a point in their careers where they have to pick whether to know a little about a lot or a lot about a little. Michal is the rare blend of the two who knows a lot about a lot of things. She truly is a congressional expert.

From her successful work strengthening fuel economy standards and ensuring DOE whistleblower protections to raising the alarm about chemical disburants used during the BP oil spill to investigating nuclear safety, she has used her keen intelligence and scientific training as a chemist to draft and past the best policy.

She also got me to sing about chemical safety and security in the Energy and Commerce Committee dais to the tune of What A Wonderful World It Would Be. Yes, she got gas chlorine to rhyme with water clean, so her talents truly know no limits. She really does know how to get things done.

Michal was absolutely instrumental to our bipartisan work in strengthening the Toxic Substances Control Act. She can tell you what almost every chemical abbreviation stands for as well as what it would stand to do to our communities. For Dr. Freedhoff, the Periodic Table of Elements is her alphabet.

She fought for firefighters, for workers, for children's health and for strong standards that provide certainty to businesses. During these negotiations, she worked to ensure EPA had enough funding from industry fees to assess and regulate chemicals and that industry had deadlines for compliance with EPA regulations.

She pushed so that regulations on the most dangerous chemicals are finished more quickly and that if chemicals are found to be unsafe for groups like pregnant women, children, or workers, that EPA has to write regulations to protect those more vulnerable communities.

She recognized that it is bipartisan commitment, married with consensus and give and take, that yields important, long-lasting legislation. She is now in a position to help implement that historic legislation. Our communities and families will be healthier for it.

I saw back in 1996 that there was a tremendous intellect and spirit in Michal. That excellence has only continued. For 20 years, she has served the public in Congress making policy stronger and smarter at every turn.

I urge the committee to approve her nomination as EPA Assistant Administrator for Chemical Safety and Pollution Protection. She served us well as Minority Director of Oversight on this committee. Now the entire Nation can benefit from her leadership, building the strongest possible protections against dangerous chemicals in our environment.

Thank you, Mr. Chairman.

Senator CARPER. I am Tom Carper and I approve that message. [Laughter.]

Senator CARPER. We will not ask you to sing but we are delighted that you were able to introduce Michal to all of us.

I am going to move next to Radhika Fox. We will just introduce you, then we will come back and ask you to give your comments. Ms. Fox currently serves as EPA Principal Deputy Assistant Administrator for Water. In that role, she is the Acting Assistant Administrator for Water.

Ms. Fox has more than 20 years of experience in developing policies, programs and issues-based advocacy campaigns. She previously was the CEO of the U.S. Water Alliance. She also led the Value of Water Coalition, a program administered by the U.S. Alliance that spearheaded the popular Imagine A Day without Water Advocacy Campaign.

Prior to joining the U.S. Water Alliance, Ms. Fox directed policy and governmental affairs for the San Francisco Public Utilities Commission, where my wife and I were last weekend for Mother's Day.

Ms. Fox holds a BA from Columbia University and a Master's in City and Regional Planning from the University of California at Berkeley where she was a HUD Community Development Fellow.

Finally, I am not going to attempt to match Senator Markey's comments with respect to Michal Freedhoff, but I think you can sense we know her and we love her. We are pleased she has this opportunity.

I think it is really great, I will say this to this to your daughters, the law that your Mom was very much involved in writing, she now has the opportunity to implement for our Country and I think she will do very good work with us. That is something of value.

With that having been said, I think I will come back to you, Ms. Estenoz, for your statement. Thank you and welcome. Feel free to introduce anyone who has joined us today in person or remotely if you would like to.

STATEMENT OF SHANNON ESTENOZ, NOMINEE TO BE ASSISTANT SECRETARY OF FISH AND WILDLIFE AND PARKS OF THE DEPARTMENT OF INTERIOR

Ms. ESTENOZ. Thank you, Chairman Carper, Ranking Member Capito, and members of the Environment and Public Works Committee. It is an honor to appear before you as President Biden's nominee to be Assistant Secretary of the Interior for Fish and Wildlife and Parks. I am very honored to be on this panel with these distinguished nominees from EPA.

I want to say hello to my husband, Richard, our sons Nick and Spencer, my mom, my friends, my family who are all watching this morning.

Senator CARPER. Where are they?

Ms. ESTENOZ. They are all over. I have folks in Pittsburgh, Arizona, Tennessee, Florida, everywhere. I want to say hi to everyone. Thank you.

I am a fifth generation Floridian, born like all of my grandparents, in Key West. We call ourselves Conchs after the beautiful mollusk once plentiful in the Florida Keys. My father was a civil

engineer and for the first 10 years of my life, his career took us to oil platforms off the coast of Louisiana, the Tennessee Valley Authority in Knoxville, and the U.S. Army Corps of Engineers in Kansas City.

Before my father passed away in 1979, we returned to Key West where his last job was as an engineer for Monroe County, where he worked to replace the old Seven Mile bridge, perhaps the most famous section of the Overseas Highway.

To grow up in Key West is to grow up on the water, swimming, fishing, snorkeling, boating and whether you know it or not, the water and its wildlife shape you. One of my earliest memories on the boat with my grandfather fishing was the day he caught me setting free the bait fish in his live well. He didn't scold me, because he knew there is no conflict between harvesting fish and wanting to protect them. Because when your family has been in a place for many generations, there is an instinct to conserve that has nothing to do with science or regulations. It has to do with a connection to place and to a way of life.

My own career path includes many echoes of my father's. I too pursued civil engineering. As a student, I returned to eastern Tennessee to intern at Eastman Chemical Company. Of course, I dedicated 24 years of my career to an infrastructure modernization program, led by the U.S. Army Corps of Engineers, to restore the Everglades. I guess I never lost my childhood instinct to help fish, and birds, and mammals, and people, by helping to restore the land and the ecosystem that sustains them all.

My father was a bridge builder, and as part of my work on Everglades Restoration, I was proud to play a part in building new bridges across the Everglades. Today water flows under those new bridges into Everglades National Park.

So I know that jobs, infrastructure, conservation, and restoration can and should go hand in hand. My work in the Everglades was ideal training for the role of Assistant Secretary for Fish, Wildlife and Parks. I spent more than two decades in the trenches of collaborative conservation, land and ecosystem restoration, species recovery, water management, invasive species response actions, and National Park stewardship.

I spent 7 years at the Department of Interior as its Director of Everglades Restoration, reporting directly to the position to which I have been nominated. I was a colleague and leader of the dedicated career staff in both bureaus that this Assistant Secretary manages.

As a State official, I have been a customer of the Fish and Wildlife Service's regulatory programs. So I know firsthand what it is like to be a State trying to work with the Federal Government. As a stakeholder, I participated in the government's efforts to engage the public, and I have put in the hard work that it takes to build consensus and coalitions to get things done.

I have been in my current role at Interior for 112 days. Every day I learn more about the fish and wildlife and parks issues facing your States and the Nation. If I am confirmed, I will draw on my long State and Federal experience as I work on issues such as water management and predator recovery in the West; protecting resources central to the cultural and economic well-being of tribes;

combating invasive species; and collaborating on conservation of the sagebrush ecosystem.

The National Park Service and the Fish and Wildlife Service play crucial roles in the challenges before us: recovering species and conserving habitat; supporting recreation and restoration jobs on public lands; and stewarding our most treasured landscapes and imperiled species through threats like wildfire and drought that are intensifying as a result of climate change.

The Fish and Wildlife Service is on the front lines of wildlife disease, including preventing those diseases from spreading to humans. The Park Service will play a key role in recommitting to our government-to-government relationship with Tribal Nations and telling the stories of all Americans.

If I am confirmed, I will bring with me the tools that have served me best in my career: communication, transparency, and intellectual honesty. I will approach this role with a passion for collaboration and meeting big challenges in partnership.

I look forward to celebrating together the results that we achieve together. I hope that today will be the first of many conversations with this committee.

Thank you, and I look forward to answering your questions.

[The prepared statement of Ms. Estenoz follows:]

Statement of
Shannon A. Estenoz
Nominee for the Position of
Assistant Secretary for Fish and Wildlife and Parks
U.S. Department of the Interior
Before the
Committee on Environment and Public Works
United States Senate

May 12, 2021

Thank you, Chairman Carper, Ranking Member Moore Capito, and members of the Environment and Public Works Committee. It is an honor to appear before you as President Biden's nominee to be Assistant Secretary of the Interior for Fish and Wildlife and Parks.

I want to say hello to my husband Richard, our sons Nick and Spencer, my mother, and my friends and extended family who are watching.

I am a fifth generation Floridian – born, like all of my grandparents, in Key West – we call ourselves “Conchs” after the beautiful mollusk once plentiful in the Florida Keys.

My father was a civil engineer and for the first ten years of my life, his career took us to oil platforms off the coast of Louisiana, the Tennessee Valley Authority in Knoxville, and the Army Corps of Engineers in Kansas City.

Before my father passed away in 1979, we returned to Key West where his last job was as an engineer for Monroe County, where he worked to replace the old 7-mile bridge – perhaps the most famous section of the Overseas Highway.

To grow up in Key West is to grow up on the water - swimming, fishing, snorkeling, boating – and whether you know it or not, the water and its wildlife shape you.

One of my earliest memories on the boat with my grandfather fishing was the day he caught me “setting free” the bait fish in his live well. He didn't scold me, because he knew there is no conflict between harvesting fish and wanting to protect them.

When your family has been in a place for many generations, there is an instinct to conserve that has nothing to do with science or regulations – it has to do with a connection to place and to a way of life.

My own career path includes many echoes of my father's. I too pursued civil engineering. As a student, I returned to eastern Tennessee to intern at Eastman Chemical Company.

I dedicated 24 years of my career to an infrastructure modernization program, led by the Army Corps of Engineers, to restore the Everglades. I guess I never lost my childhood instinct to help

fish - and birds, and mammals and people – by helping to restore the land and the ecosystem that sustains them all.

My father was a bridge builder, and as part of my work on Everglades Restoration I was proud to play a part in building new bridges across the Everglades. Today water flows under those new bridges into Everglades National Park.

I know that jobs, infrastructure, conservation and restoration can – and should – go hand in hand. My work involving the Everglades was ideal training for the role of Assistant Secretary of Fish and Wildlife and Parks.

I've spent more than 2 decades in the trenches of collaborative conservation, land and ecosystem restoration, species recovery, water management, invasive species response actions, and National Park stewardship.

I spent 7 years at the Department of the Interior as its Director of Everglades Restoration, reporting directly to the position I have been nominated for. I was a colleague and leader of the dedicated career staff in both bureaus that this Assistant Secretary manages.

As a State official, I was a customer of FWS regulatory programs, and know first-hand what it is like to be in the shoes of states trying to work with the federal government.

As a stakeholder, I participated in the government's efforts to engage the public, and I have put in the hard work to build coalitions to get things done.

Now, I have been in my current role at Interior for 112 days. Every day I learn more about the fish, wildlife and parks issues facing your states and the nation.

I will draw on my long state and federal experience as I work on water management and predator recovery in the west; protecting resources central to Tribal cultural and economic well-being; combating invasive aquatic species; and collaborating on conservation of the sage brush ecosystem.

The National Park Service and the Fish and Wildlife Service play crucial roles in the challenges before us: recovering species and conserving habitat; supporting recreation and restoration jobs on public lands; and stewarding our most treasured landscapes and imperiled species through threats like wildfire and drought that are intensifying as a result of climate change.

The Fish and Wildlife Service is also on the front lines of wildlife disease, including preventing those diseases from spreading to human populations.

And the Park Service will play a key role in recommitting to our government-to-government relationship with Tribal nations and telling the story of all Americans.

If I am confirmed I will bring with me the tools that have served me best in my career: communication, transparency, and intellectual honesty.

I will approach this role with a passion for collaboration and meeting big challenges in partnership. I look forward to celebrating together the results we achieve together. I hope that today will be the first of many conversations with this Committee.

Thank you and I look forward to answering your questions.

Senate Committee on Environment and Public Works
 Nomination of Shannon Estenoz to be Assistant Secretary of the Interior
 For Fish and Wildlife and Parks
 Questions for the Record for Shannon Estenoz
 May 12, 2021

Senator Kelly:

1. As you may know, Grand Canyon National Park has begun embarking on a \$100 million project to replace the aging Transcanyon Water Distribution Pipeline. The existing pipeline was built in the 1960s and suffers more than 30 leaks a year. It supplies water for more than 6 million Canyon visitors each year, approximately 2,500 year-round residents, and provides water for firefighting. If confirmed, will you commit to working with me to secure funding, including under the Great American Outdoor Act, to complete this critical project?
 - a. More broadly, how do you believe Great American Outdoor Act funding can be leveraged to draw-down the NPS deferred maintenance backlog?

Response: Yes, I recognize that the Transcanyon Water Distribution Pipeline within Grand Canyon National Park is an important project and will work with you to ensure its completion using all available sources of income. With respect to the Great American Outdoors Act, as I stated during the hearing, I am committed to the successful implementation of the Act, and I believe that the National Park Service can best address its backlog by making strategic investments utilizing all available sources of infrastructure funding at its disposal in addition to funds available from the Great American Outdoors Act.

2. I also wanted to ask you about invasive salt cedars in the Lower Colorado River Basin. As you may know, salt cedars are an invasive plant species that deplete scarce water resources and increase the risk of both flooding and wildfires. Arizona stakeholders have entered into regional partnerships, including the Rio Reimagined partnership in the Phoenix area. To support these projects, section 505 of WRDA 2020, which was signed into law in December, required the Fish and Wildlife Service to establish an invasive plant species pilot program to enter into partnerships with local governments, nonprofits, and coalitions like Rio Reimagined, to remove invasive plant species. While this program has not yet been funded, once appropriations are available, will you commit to working together to quickly stand-up this program and help mitigate the spread of invasive saltcedars in Arizona?
 - a. What additional steps do you believe Fish and Wildlife, or other agencies within Interior, could take to help combat the spread of invasive plant species?

Response: Yes. I understand that invasive species cost the U.S. economy \$120 billion per year and is one of the biggest threats to sustaining native fish and wildlife populations. Specifically with regard to plants, I understand that non-native plants present a major land management challenge. The early detection of invasive species, and halting their spread and mitigating their

**Senate Committee on Environment and Public Works
Nomination of Shannon Estenoz to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenoz
May 12, 2021**

effects, are essential components of the Department's work. Invasive species control and eradication cuts across the Department's bureaus, making it critical for the U.S. Fish and Wildlife Service (FWS) to work with partners on invasive species efforts to accomplish the bureau's wildlife conservation mission. As I said at my hearing, I support working with partners across the landscape in a variety of ways to prevent introduction of invasive plants and control established invasive plant infestations. If confirmed, I will work with the FWS to collaboratively devise and implement the program and will keep you and your office updated on progress.

Senate Committee on Environment and Public Works
Nomination of Shannon Estenoz to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenoz
May 12, 2021

Ranking Member Capito:

1. **One of the reforms made by the previous administration allowed the Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS) to provide information to the public on the costs associated with listing a species under the Endangered Species Act (ESA). This information lets the public, especially landowners and private property owners, know the impacts of federal regulation. Do you agree that the public should know both the costs and benefits of implementing the ESA?**

Response: I believe that transparency is important when making decisions that impact the regulated public. I commit to implementing the Endangered Species Act with full transparency, consistent with the law and science. The provision you referenced is under review as directed by Executive Order 13990. If confirmed, I will keep your views in mind and your office up to date on the results of that review.

2. **If confirmed, will you commit to having listening sessions on rulemakings in those states that are likely to be most significantly economically impacted by FWS-related rulemakings and actions?**

Response: I believe that the rulemaking process is greatly enhanced when the affected public has an opportunity to provide input, and I would look to determine what options I would have available to me to accomplish that, if I am confirmed. I am aware that the FWS has proactively held hearings and associated information sessions, in cases of high public interest and in the location of that interest, and I would look to continue that practice. I also commit to holding public hearings in a manner that is accessible and facilitates stakeholder input, whether they are held virtually or in person.

3. **According to the FWS, collisions with electrical lines cause the death, on average, of 25.5 million birds annually, leaving owners of power lines potentially open to liability for an incidental take under the Migratory Bird Treaty Act (MBTA) if this Administration changes the current interpretation of the law at 50 CFR § 10.14. Does the President recognize the potential impacts to the construction of transmission lines if the MBTA is improperly interpreted to apply to accidental killing of birds?**

Response: The Migratory Bird Treaty Act (MBTA) is a landmark law that for over a century has helped ensure that Americans are able to enjoy robust populations of a diversity of bird species. Over the many decades of upholding the MBTA, transmission lines were constructed

**Senate Committee on Environment and Public Works
Nomination of Shannon Estenez to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenez
May 12, 2021**

and operated all across the country. I am aware that FWS worked with owners and operators of power lines on siting and construction guidelines to minimize the incidental take of migratory birds.

Concurrent with the recent publication of a proposed rule to revoke the January 7, 2021, rule issued by the previous administration that codified the now rescinded M-Opinion, the Department is exploring options to development a commonsense approach that will both protect birds and provide certainty to our stakeholders. If I am confirmed, I would work to ensure that FWS remains committed to that conservation legacy in a way that gives the regulated community the legal certainty that they seek.

4. If a farmer finds a dead bird on her land when walking through her fields, should she have any concern she will be prosecuted under the Migratory Bird Treaty Act?

Response: It is difficult, if not impossible, to answer a question like this that lacks specific facts, circumstances, and context. However, the current regulatory framework put in place by the previous administration is a significant departure from decades of implementation of the MBTA. If I am confirmed, I would be committed to working with all stakeholders to develop a framework that both provides legal certainty to industry and our other stakeholders and protects migratory birds.

5. Would you agree an effective way to reduce uncertainty regarding incidental takes, including potential criminal liability, is for FWS to maintain the current language at 50 CFR § 10.14? Why or why not?

Response: The Solicitor's opinion and rulemaking issued by the previous administration both ran counter to decades of prior implementation of the MBTA and a recent decision by a U.S. District Court. The Department rescinded the Solicitor's opinion, which was rejected in federal court, and earlier this month, FWS published a proposed rule to revoke the January 7, 2021, rule that codified that opinion.

As I said in response to a previous question, concurrent with the recent publication of a proposal rule to revoke the January 7, 2021, rule issued by the previous administration that codified the now rescinded M-Opinion, the Department is exploring options to development a commonsense approach that will both protect birds and provide certainty to our stakeholders. If I am confirmed, I would work to ensure that FWS remains committed to that conservation legacy in a way that gives the regulated community that legal certainty that they seek.

Senate Committee on Environment and Public Works
Nomination of Shannon Estenoz to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenoz
May 12, 2021

6. **The previous Administration finalized a rule to update and improve the ESA, including reforms to revise the FWS's regulations covering threatened species. In effect, the agency applied protections using the same procedures as those used by the NMFS. The Biden Administration has included this rule in its review of previous Administration actions for the Department of the Interior to consider rescinding. Should the ESA be implemented consistently between the FWS and the NMFS?**

Response: The ESA recognizes the inherent differences between the species under FWS and National Marine Fisheries Service jurisdiction and provides the agencies with flexibility to address their different management needs. If confirmed, I would support consistent and transparent implementation of the ESA to the maximum extent practical, while delivering effective conservation for our nation's threatened and endangered plants and wildlife. The provision you referenced is under review as directed by Executive Order 13990. If confirmed, I will keep your views in mind and your office up to date on the results of that review.

7. **What strategies do you believe are most effective for conserving species on private lands?**

Response: For FWS to accomplish its wildlife conservation mission, it must work collaboratively with partners at all levels. Over two thirds of the land in the United States is managed by private landowners, so the conservation efforts of private landowners, and agency collaboration with them, are central to the conservation and management of our nation's wildlife.

If confirmed, I would support efforts to enhance private landowner participation in the voluntary agreements for the conservation of listed, candidate, and otherwise at-risk species. I would also support the important Partners for Fish and Wildlife Program, which has worked with over 50,000 landowners and carried out about 60,000 habitat restoration projects on a volunteer and cost-share basis since the program was initiated.

8. **There is a strong need for coordination between FWS and NMFS. Do you support ensuring that there are designated high-level staff in the Department of Interior and the Department of Commerce to coordinate on issues to ensure alignment on biological opinions and permit reviews?**

Response: I agree that FWS and NMFS need to be coordinated when their actions and jurisdictions overlap. If confirmed, I would support FWS staff, both in Washington, D.C., and in the field, continuing to coordinate closely with their NMFS colleagues to ensure alignment in

Senate Committee on Environment and Public Works
Nomination of Shannon Estenoz to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenoz
May 12, 2021

their interpretation and application of the regulations and procedures for conducting consultations and permit reviews.

9. **In response to the Supreme Court decision in the *Weyerhaeuser v. US Fish and Wildlife Service*, 139 S. Ct. 361 (2018), the FWS and the NMFS issued a concise definition of “habitat.” The definition states, “For the purposes of designating critical habitat only, habitat is the abiotic and biotic setting that currently or periodically contains the resources and conditions necessary to support one or more life processes of a species.” Do you agree with this definition of “habitat”? Why or why not?**

Response: I understand that the definition you reference, as well as the regulation that it is contained in, is one of the rules from the previous administration that is under review, as directed by Executive Order 13990. If confirmed, I would be happy to keep your office apprised of that review.

10. **The previous Administration changed the sequence of designating critical habitat to focus first on habitat that is occupied by the species and then to evaluate areas that the species does not occupy. Designating critical habitat in unoccupied areas creates a new consultation requirement and potentially significant associated regulatory burden. Considering the difference in regulatory burden between occupied and unoccupied habitat, would you agree that starting first with occupied habitats before moving onto unoccupied habitat is the best approach?**

Response: I understand that this issue, as well as the regulation that it is contained in, is one of the rules from the previous administration that is under review, as directed by Executive Order 13990. If confirmed, I will take your views into consideration and would be happy to keep your office apprised of that review.

11. **The FWS has several programs to facilitate conservation of candidate species. These programs help to avoid the need to list a species and, if listed, provide assurances to landowners who comply with the conservation agreement. Will expanding these conservation programs be a priority for you if confirmed?**

Response: It is my belief that FWS must work collaboratively with partners at all levels in order to accomplish its wildlife conservation mission. I enthusiastically support the FWS’s voluntary programs to conserve candidate species and provide assurances to participating landowners who operate in compliance with their conservation agreement. If confirmed, I would support efforts to enhance private landowner participation in the conservation of candidate and other at-risk

**Senate Committee on Environment and Public Works
Nomination of Shannon Estenoz to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenoz
May 12, 2021**

species through such voluntary agreements. I would also support the important Partners for Fish and Wildlife Program, which has worked with over 50,000 landowners and carried out about 60,000 habitat restoration projects on a volunteer and cost-share basis since the program was initiated.

- 12. The Administration's 30x30 conservation plan is vague on the definition of "conservation." Did the Administration consider existing Candidate Conservation Agreements and Candidate Conservation Agreements with Assurances in developing the goal to conserve 30 percent of US land?**

- a. If so, how much did the Administration estimate these types of agreements would contribute to the goal?**

Response: Yes, the Administration's report on the 30x30 goal, Conserving and Restoring America the Beautiful, considers the role of voluntary conservation efforts as one of the six priorities areas to focus on for early collaboration and investment. It calls upon the FWS to enhance support for those efforts by private landowners through Candidate Conservation Agreements with Assurances and other similar programs. If confirmed, I would welcome the opportunity to communicate with you regarding the 30x30 conservation goal and the ongoing dialogue we will maintain with key partners as we move ahead with this important, long-term effort.

- 13. Conservation or mitigation banks have developed into a billion-dollar industry, helping permittees comply with their permit conditions through advanced habitat restoration. However, the practice is not as well-developed under the ESA as it is under other authorities, such as the Clean Water Act.**

- a. Do you agree that mitigation banking can be a useful conservation tool under the ESA?**

Response: Yes, I agree that species-focused mitigation - or conservation - banks can be a useful conservation tool under the ESA. I understand that FWS has long supported and encouraged conservation banks and I will support them, too, if I am confirmed.

- b. Would you be willing to work on expanding this tool and integrating the FWS process for creating banks with those of other agencies?**

**Senate Committee on Environment and Public Works
Nomination of Shannon Estenoz to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenoz
May 12, 2021**

Response: Yes. Section 329 of the National Defense Authorization Act for Fiscal Year 2021 directs the FWS to issue regulations establishing objectives, measurable performance standards, and criteria for use for mitigation banking to offset effects on a species or habitat of a species, consistent with the Endangered Species Act. If confirmed, I would be happy to keep you apprised of the efforts of FWS to expand the use of this important tool.

14. Does the FWS have any plans to reinstate the two compensatory mitigation policies withdrawn in notices published on July 30, 2018 at 83 Fed. Reg. 36472 and 83 Fed. 36469?

Response: I understand that the withdrawal of those two policies is currently under Administration review in accordance with Executive Order 13990. If confirmed, I would be happy to keep your office apprised of that review.

Senate Committee on Environment and Public Works
Nomination of Shannon Estenoz to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenoz
May 12, 2021

Senator Boozman:

1. The 2018 farm bill directed USDA, EPA, DOI, and Commerce to work collaboratively to address regulatory disharmony at the intersection of Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and the Endangered Species Act (ESA). While implementation of the Farm Bill provision began under the previous Administration, much work remains to be done. If confirmed, do you commit to working with the Farm Bill Implementation Working Group to identify and implement durable solutions to protect threatened and endangered species and provide a regulatory pathway for new innovations to the market? If so, what changes within DOI and FWS would you prioritize to achieve this goal?
 - a. Further, what changes within DOI and the Fish & Wildlife Services would you prioritize to achieve this goal?

Response: If confirmed, I commit to carry out the directives of the 2018 Farm Bill, including the Department's coordination with the Farm Bill Implementation Working Group. Any future recommendations to change agency work and policy would be informed by such coordination.

2. There are significant concerns stemming from past issues related to the regulation of pesticides impacted by ESA. One key area driven in past ESA Biological Opinions ("Biops") is that the Department of Interior's Fish & Wildlife Services and the Department of Commerce's National Marine Fisheries Services ("Services") regularly make assumptions that all farmers use all registered pesticides on all crop acres at the maximum label rates. If confirmed, what specific actions will you take to ensure more realistic use rates are employed at ESA agencies like the Fish and Wildlife Services when evaluating pesticide risk assessments for pesticide products?
 - a. Further, do you support using the best available data and analyzing "what's likely vs what's possible" when considering rates of use of pesticides?

Response: I support using the best available science to evaluate the effects of an action as required by the FWS's regulations and as reflected in the recent FWS draft biological opinion on the registration review of malathion which was based on use that is reasonably certain to occur. If confirmed, I will support FWS efforts to work closely with the U.S. Environmental Protection Agency and the U.S. Department of Agriculture to obtain data on actual usage to inform future pesticide consultations and will ensure that all FWS biological opinions are based on the best scientific and commercial data available, as required by the ESA.

Senator Wicker:

Senate Committee on Environment and Public Works
Nomination of Shannon Estenoz to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenoz
May 12, 2021

1. **The black vulture is a federally protected bird that can decimate livestock populations and damage infrastructure. However, farmers and landowners are required to obtain an annual depredation permit from the U.S. Fish and Wildlife Service in order to remove these predatory birds from their property. Starting in 2015, the agency initiated a pilot program allowing organizations to purchase statewide depredation permits for the black vulture. The U.S. Fish and Wildlife Service expanded this program to additional states earlier this year. In April, the Mississippi Farm Bureau Federation applied for a statewide black vulture depredation permit. I appreciate the U.S. Fish and Wildlife Service considering their application in a timely manner so that our livestock producers can adequately address the damages caused by the black vulture. If confirmed, will you commit to maintaining the expansion of this U.S. Fish and Wildlife Service program that allows organizations to purchase statewide permits to control black vulture populations?**

Response: I recognize that there are real concerns with human-black vulture conflicts that occur with farmers, property owners, and others and that, in some situations, the lethal removal of birds may be required to resolve damage. If confirmed I will work to ensure that FWS continues working with conservation partners and stakeholders to provide solutions to this wildlife management challenge to farmers and property owners within the legal framework of the MBTA.

2. **Cormorants are a predatory bird that can decimate fish populations, which makes them particularly concerning for aquaculture producers. However, double-crested cormorants are protected under the Migratory Bird Treaty Act and authorization from the U.S. Fish and Wildlife Service is required to lethally remove these predators. In 2016, a federal judge halted the national depredation order for double-crested cormorants until an environmental assessment was completed. The U.S. Fish and Wildlife Service issued its environmental assessment and created rules for lethally removing cormorants in 2017, but the agency has not reinstated the national depredation order for aquaculture or natural resources. In 2020, the U.S. Fish and Wildlife Service finalized a rule establishing a special permit for interested state wildlife agencies to undertake cormorant control activities. However, individual aquaculture producers and farmers must still go through the lengthy process of applying for an individual permit to take cormorants on their lands. If confirmed, will you work with aquaculture producers and other farmers to reinstate these critical control measures?**

Response: I recognize the concerns within the aquaculture industry and the adverse effect that depredation by cormorants has on producers and their livelihood. I am aware that FWS established the special permit for states and tribes to control cormorants and that this was done within the legal framework of federal laws and regulations, and after collaborating with states,

**Senate Committee on Environment and Public Works
Nomination of Shannon Estenez to be Assistant Secretary of the Interior
For Fish and Wildlife and Parks
Questions for the Record for Shannon Estenez
May 12, 2021**

tribes and federal partners to ensure they understood the nature and magnitude of the problem. If confirmed, I look forward to listening to these stakeholders and learning more about the benefits and detriments of, and the challenges to, reinstating a national deprecation order.

- 3. Mississippi is home to a rich and varied cross section of our nation's history. Part of that history tells the painful story of the trade in enslaved people. One of our most important examples is the Forks of the Road Slave Market, which is part of the Natchez National Historical Park, located in Natchez, Mississippi. In 2017, Congress authorized the National Park Service (NPS) to acquire land at Forks of the Road. The project has strong, bipartisan support from the Mississippi congressional delegation. In Fiscal Year 2021, the project was allocated funds by NPS through the Land and Water Conservation Fund to purchase private property within the authorized park boundary. In addition, the City of Natchez is working to donate city property to NPS. If confirmed, will you ensure the donation of city property is completed in a timely manner to create the new Forks of the Road unit of the park?**

Response: Yes, if confirmed, I will work with you to see that the land acquisition at the historic Forks of the Road slave market site, including the proposed donation by the city of Natchez, is completed as expeditiously as possible.

- 4. Since 2019, the Vicksburg National Military Park and National Cemetery has experienced large amounts of rainfall, eroding and collapsing roadways and sections of the national cemetery. These damages have greatly limited visitor and vehicular access to the park. One third of the park has been inaccessible for almost two years. I appreciate the National Park Service's attention to these issues and the agency's efforts to carry out restoration projects so that visitors can enjoy all aspects of the park. If confirmed, will you ensure that the National Park Service continues to support restoration efforts, such as road repairs and stabilization of the landslide at the National Cemetery, underway at Vicksburg National Military Park?**

Response: Thank you for your recognition of the National Park Service's efforts on this complex and large-scale issue. I know this has been, and continues to be, a critically important project for the NPS, and yes, if confirmed, I will work to ensure that the agency, along with our federal partners in the project, continues to work diligently to protect impacted graves, stabilize the ground, and repair the park's roads so that full visitor access can be restored.

Senator CARPER. Thank you very much.

Did you say your Mom is watching today?

Ms. ESTENOZ. My mother is watching today, yes.

Senator CARPER. Your dad passed away a number of years ago?

Ms. ESTENOZ. He did, when I was 11.

Senator CARPER. I am sure they are very proud of you.

Ms. ESTENOZ. Thank you, Mr. Chairman.

Senator CARPER. Thank you very much for that statement.

The position that you have been nominated for was held most recently by Rob Wallace, who was a good friend of many of us and good for the John Barrassos as well. I will never forget at his confirmation hearing, he talked about the bipartisan nature of this committee and the way we work together, whether it was water, surface transportation or other issues.

He said these words, he said, "Bipartisan solutions are lasting solutions." I have quoted him a million times. Thank God, I haven't had to pay him for the times I have quoted him. That spirit really underlies much of what we do here. So thank you.

Next is Radhika Fox. Ms. Fox, you are welcome to begin when you are ready.

STATEMENT OF RADHIKA FOX, NOMINEE TO BE ASSISTANT ADMINISTRATOR FOR WATER OF THE ENVIRONMENTAL PROTECTION AGENCY

Ms. FOX. Thank you, Chairman Carper, Ranking Member Capito, and members of the Committee. I am humbled to be nominated by President Biden, and honored to be considered by this esteemed committee, for the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

I am excited to engage with you today, to hear about your water priorities, and discuss how the Office of Water can support the communities that you so proudly represent.

I want to acknowledge the family that is here with me today: my husband, Jamie; my dad, Dr. K., as his patients call him; my brother, Raghu, and his wife, Katie. And my kids, Anjali and Krishna, wanted to be here, but I said no skipping school.

My family is the American dream at work. I am a first generation American. My father and my mother grew up in rural India. My grandparents provided for their families as small farmers growing rice, lemons and bananas. They relied on wells for their drinking water and pit latrines for their wastewater management. Everything I have accomplished is because I stand on the shoulders of my parents' hard work. Thank you for that, Dad.

Today, I sit before you as the first woman of color, the first person of Asian-American descent, to be nominated to lead EPA's Office of Water. Only in America could that happen in one generation. If confirmed, it would be my honor to serve the country where my parents' hopes and dreams took root and flourished.

Senators, as you all know, water is the world's most precious resource. However, our Nation's water systems are often invisible to most. The vast majority of Americans turn on the tap and safe water flows out. Used water goes down the drain and is treated before it is safely returned to the environment.

Most people just don't think about the environmental policies, the funding and financing programs, the work of local water utilities, and the key role of States and tribes in providing these essential water services. It just works for most Americans, but not for all.

During the Flint Water Crisis, Time Magazine told the story of 2-year-old Sincere Smith, featured on the cover with a full body rash from bathing in the water. What Sincere and his family experienced should not be experienced by any child or parent in this Country. That is really what brings me to this work.

If confirmed, I will dedicate myself to ensuring that all people, regardless of their income, their zip code, or the color of their skin, will have access to clean and safe water.

Prior to joining the EPA, I served as the CEO for the U.S. Water Alliance, where I championed consensus-based progress on complex water issues. I worked with water leaders across the country, from rural hamlets to urban enclaves, from America's heartland to both coasts.

I also worked at the San Francisco Public Utilities Commission, the public water agency that provides drinking water, wastewater, stormwater and municipal power to 2.7 million people in the Bay Area. There, I learned what it takes to comply with the range of regulations promulgated by the Office of Water, and I also built practical knowledge on how to manage water systems, whether it is capital and budget planning, infrastructure project delivery, planning for drought and diversifying of water supplies and managing through crises like wildfires.

Throughout my career, I have been guided by one foundational principle: listen to all sides in order to find enduring solutions. If confirmed, I will manage the Office of Water in a manner that is grounded in the wisdom, the voice, and the lived experience of those who are impacted by our decisions.

We can't make policy sitting behind a desk in Washington, DC. We have to actively engage with all those who are impacted by our decisions, whether it is water utilities, farmers and ranchers, community organizations, environmental organizations, States, tribes, local officials, and many, many others.

I truly believe, Senators, that water is the great uniter. It can unite this Country; it can help pull us out of the compounding crises that face our Nation, whether it is a global pandemic, economic recession, longstanding racial inequities, and climate change. Water brings us together across society and across the aisle.

If confirmed, it would be my honor to work with Administrator Regan and all of you to advance durable water solutions.

I look forward to your questions. Thank you so much for your time.

[The prepared statement of Ms. Fox follows:]

**Statement of Radhika Fox
Nominee for the Position of Assistant Administrator for the Office of Water in the
United States Environmental Protection Agency
Before the
Committee on Environment and Public Works
United States Senate**

May 12, 2021

Thank you, Chairman Carper, Ranking Member Capito, and Members of the Committee. I am honored to appear before you this morning.

I am humbled to be nominated by President Biden, and considered by this esteemed committee, for the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency. I am excited to engage with you, hear about your water priorities, and discuss how the Office of Water can support the communities that you proudly represent.

I want to acknowledge my family here with me today: my husband Jamie, my dad, my brother Raghu, and his wife, Katie. My kids Anjali and Krishna wanted to be here – but I said no skipping school! My family is the American dream at work. I am first generation American—my father and mother grew up in rural India, and my grandparents provided for their families as small farmers growing coconuts, rice, and mangos. My parents grew up without electricity. They relied on wells for drinking water and pit latrines for wastewater management. Everything I have accomplished is because I stand on the shoulders of my parents' hard work. Today, I sit before you as the first woman of color, the first person of Asian American descent, to be nominated to lead EPA's Office of Water. Only in America could this happen in one generation. If confirmed, it would be an honor to serve the country where my parents' hopes and dreams could take root and flourish.

Senators, you all know that water is vital to life and to our communities. However, our nation's water systems are invisible to most. The vast majority of Americans turn on the tap and safe water flows out. Used water goes down the drain and is treated before being safely returned to the environment. Most people don't think about the canon of environmental policies, funding and financing programs, the work of local water utilities, and the key role of states and tribes in providing essential water services. It just works—for most Americans, but not for all.

Unfortunately, the importance of water is too often surfaced through tragedy. During the Flint Water Crisis, Time Magazine told the story of 2-year-old Sincere Smith, featured on the cover with a full body rash from bathing in the water. What Sincere and his family went through should not be experienced by any child or parent in this country. This is what brings me to this work. If confirmed, I will dedicate myself to ensuring that all people—regardless of their income, zip code, or color of their skin—have access to clean and safe water.

Prior to joining EPA, I served as the Chief Executive Officer for the US Water Alliance, where I championed consensus-based progress on complex water issues. In this role, I worked with water leaders across the country—from rural hamlets to urban enclaves, from the American heartland to the coasts. I worked collaboratively to address the most salient water issues facing communities, including climate change, affordability, equity and environmental justice, governance, financing, and infrastructure. I met communities where they were to help craft solutions that worked for them.

My prior experience also includes working at the San Francisco Public Utilities Commission, which is responsible for providing 24/7 water, wastewater, and municipal power services to 2.6 million Bay Area residents. There, I gained practical, real-world experience managing drinking water, wastewater, and stormwater services to ensure public health and community well-being. I experienced firsthand what it takes to comply with the range of regulations and guidance promulgated by the Office of Water. I also

experienced all the challenges that water utilities face in delivering reliable and affordable water services, whether it's capital and budget planning, water infrastructure project delivery, planning for drought and diversifying water supplies, or managing through crises like wildfires.

Throughout my career, I have been guided by one foundational principle—listen to all sides to find enduring solutions, rooted in common ground. If confirmed, I will manage the Office of Water in a manner that is grounded in the wisdom, voice, and lived experience of those impacted by our decisions. We can't make policy sitting behind a desk in Washington, DC. We must actively engage with all who are impacted by our decisions—water utilities, farmers and ranchers, community organizations, environmental organizations, states, tribes, local officials, and many others. By working together, we can forge more durable outcomes for all our communities.

This is water's moment—it can unite the country and help us address the compounding challenges of a global pandemic, economic recession, longstanding racial inequities, and the climate crisis. Water is the great uniter. It brings us together—across society and across the aisle. If confirmed, I would be honored to work with Administrator Regan, and all of you, toward achieving durable water solutions that benefit people across this country.

I look forward to your questions. Thank you.

Senate Committee on Environment and Public Works
Hearing Entitled, "Hearing on the Nominations of Shannon Estenoz to be Assistant Secretary of Fish and Wildlife and Parks of the Department of Interior, Radhika Fox to be Assistant Administrator for Water of the Environmental Protection Agency, and Michal Freedhoff to be Assistant Administrator for Chemical Safety and Pollution Prevention of the Environmental Protection Agency."

May 12, 2021

Questions for the Record for Radhika Fox

Senator Kelly:

1. I wanted to ask you about the EPA's ongoing process of revising the Lead and Copper rule. Unlike many states, very few drinking water systems in Arizona have lead or copper pipes. As EPA reevaluates the lead and copper rule, what steps do you believe the agency can take to ensure that communities in Arizona, which can certify that there are no lead or copper pipes in our systems, are not burdened with regulatory or compliance costs associated with routinely recertifying that they still do not have any harmful piping in their systems?

RESPONSE: EPA is currently engaged in a series of public listening sessions and roundtables to ensure that communities and stakeholders have the opportunity to provide their perspectives to the agency on protections from lead in drinking water. I appreciate you identifying these particular considerations for communities in Arizona. If confirmed, I commit to ensure that EPA considers a wide variety of perspectives from communities as we make decisions with respect to the lead and copper rule. By working together, we can forge a more durable outcome for all our communities.

2. I also wanted to discuss water and wastewater infrastructure needs in Arizona communities along the U.S.-Mexico border. As you may know, many of our border communities suffer from aging infrastructure, but due to complex international jurisdictional issues, Arizona's border communities often struggle to get assistance. As Assistant Administrator for Water, what role do you plan to play in overseeing EPA's U.S.-Mexico Border Water Infrastructure Grant program?
 - a. Will you commit to ensuring that EPA conducts robust outreach and stakeholder engagement in border communities to ensure that local stakeholders are able to receive assistance?

RESPONSE: If confirmed as Assistant Administrator for Water, I would oversee the U.S.-Mexico Border Water Infrastructure Grant program, in coordination with our partners in EPA Regions 6 and 9 and the Office of International and Tribal Affairs. As I stated at my nomination hearing, if confirmed, I will manage the Office of Water in a manner that is grounded in the wisdom, voice, and lived experience of those impacted by our decisions. In that spirit, I am committed to ensuring that

EPA engages with Arizona communities and other communities along the U.S.-Mexico Border as we carry out our critical water infrastructure work.

3. If confirmed, you would play a role in developing regulations which would govern the discharge and cleanup of PFAS. High levels of PFAS has been detected in several groundwater aquifers near Arizona military installations This is particularly concerning to me because every groundwater aquifer in Arizona could be used for drinking water – and as the Colorado River looks likely to enter a Tier 1 shortage this year, Arizona will be more dependent than ever on our groundwater supplies. If confirmed, how will you approach regulations related to PFOA and PFOS?

- a. In particular, how will you ensure that EPA supports communities that are disproportionately dependent on drinking water from closed-source aquifers?

RESPONSE: As I stated at my nomination hearing, addressing PFAS and emerging contaminants will be among my top priorities if confirmed as Assistant Administrator for Water. Last month I was proud that Administrator Regan asked me to convene and lead a council of senior EPA career officials from across the agency on PFAS. One of my first actions at EPA was to move forward to implement the national primary drinking water regulation development process for PFOA and PFOS. As we continue along this process, I am committed to a flexible approach and to working collaboratively with states, tribes, water systems, and local communities that have been impacted by PFAS. The specific characteristics of Arizona communities you have highlighted are good examples of the types of information EPA will consider as we move forward under multiple environmental authorities to identify approaches that will deliver critical environmental and public health protections.

4. As part of America’s Water Infrastructure Act of 2018, Congress created a new Drinking Water System Infrastructure Resilience and Sustainability Program at EPA to help small and disadvantaged community water systems prepare their infrastructure to withstand the effects of climate change and extreme weather. If Congress expanded access to this program to cities and towns of all sizes, are you confident that EPA would be able to manage a larger Drinking Water System Infrastructure Resilience and Sustainability Program, if the program was fully funded?

RESPONSE: Yes, I am confident I and the talented career staff in EPA’s Office of Water would be able to implement an expanded program, consistent with the statutory language as enacted and given adequate appropriations levels.

5. Two weeks ago the Senate overwhelmingly passed legislation which would, among other things, create a pilot program for low-income water utility assistance. As you know, rural and tribal communities often face higher utility bills, and small water systems have less

of an ability to provide financial assistance to ratepayers in need. Do you support efforts to build upon the pilot programs for water utility assistance that were included in the Senate-passed bill?

- a. And what role do you believe EPA should play in administering a federal water utility assistance program?

RESPONSE: I applaud Congress's efforts to recognize and address the challenges faced by low-income water ratepayers, particularly amidst the COVID-19 pandemic. My prior work at the U.S. Water Alliance brought me face to face with the most salient water issues facing communities, including water affordability. I believe EPA has a critical role to play in working with drinking water and wastewater utilities under the Safe Drinking Water Act and the Clean Water Act, and if confirmed I would make this work a priority, in a role consistent with the authorities Congress provides to EPA.

Ranking Member Capito:

1. Do you support the 2015 "water of the United States" rule, published at 80 Fed. Reg. 37054 (June 29, 2015)? If not, why not?

RESPONSE: Administrator Regan has directed the Office of Water to review both the 2015 and 2020 rules for lessons learned, particularly from an implementation perspective. I agree with him that it is important for us to chart a path forward on Waters of the U.S. that will be inclusive of stakeholder perspectives and forward-looking.

2. Do you support the Navigable Waters Protection Rule, published at 85 Fed. Reg. 22250 (Apr. 21, 2020)? If not, why not?

RESPONSE: Administrator Regan has directed the Office of Water to review both the 2015 and 2020 rules for lessons learned, particularly from an implementation perspective. I agree with him that it is important for us to chart a path forward on Waters of the U.S. that will be inclusive of stakeholder perspectives and forward-looking.

3. Do you agree that the Navigable Waters Protection Rule is now in effect in all 50 states?

RESPONSE: Yes.

4. You stated in the hearing your desire to have a lasting, stable definition of “waters of the United States.” If you want to avoid changes that cause regulatory uncertainty, do you support keeping the 2020 Navigable Waters Protection Rule in place? If not, why not?

RESPONSE: As I noted above, Administrator Regan has directed the Office of Water to review the lessons learned from the Waters of the United States rules published in both 2015 and 2020. I believe there are things that are working and that are not working from an implementation perspective, and both Administrator Regan and I want to work toward an enduring definition.

5. In October 2015, EPA issued the 4th Edition of the Peer Review Handbook to ensure consistency across the Agency in the review and utilization of science that the EPA relies on. Should EPA rulemakings and administrative decisions related to the Office of Water involving science adhere to the Agency’s Peer Review Handbook?

RESPONSE: I believe that science and law form the backbone of policymaking at EPA, and I look forward to working with Administrator Regan to restore scientific integrity and evidence-based policymaking throughout EPA. My understanding is that the EPA’s Peer Review Handbook applies to EPA’s scientific and technical work products, including the scientific and technical work products that inform rulemaking. If confirmed, I commit to working with Administrator Regan, EPA’s scientific integrity officials, and EPA staff to ensure that EPA’s scientific policies and procedures, including the Peer Review Handbook, are appropriately applied in EPA’s work.

6. Why are cost considerations important in considering whether and how to promulgate a National Primary Drinking Water Standard, including in protecting vulnerable communities?

RESPONSE: In my prior work at the San Francisco Public Utilities Commission, I experienced firsthand what it takes to comply with the range of regulations promulgated by the Office of Water. At the U.S. Water Alliance, I also worked collaboratively to address the most salient water issues facing communities, including climate change, affordability, equity and environmental justice, governance, financing, and infrastructure. If confirmed, it would be my responsibility to implement the Safe Drinking Water Act as passed by Congress, including the processes and analyses the law provides for developing drinking water regulations.

7. If confirmed, will you commit to having listening sessions on rulemakings in those states that are likely to be most significantly economically impacted by water-related rulemakings and actions?

RESPONSE: If confirmed, I will manage the Office of Water in a manner that is grounded in the wisdom, voice, and lived experience of those impacted by our decisions. We can't make policy sitting behind a desk in Washington, D.C.; we must actively engage with all who are impacted by our decisions—water utilities, farmers and ranchers, community organizations, environmental organizations, states, tribes, local officials, and many others. If confirmed, I commit that as EPA develops water-related policies and actions, we will actively engage with all who are impacted by our decisions. And I am excited to continue to engage with you and discuss how the Office of Water can support the West Virginia communities that you proudly represent.

8. Since joining EPA, have you had any discussions about rescinding, or done any work to rescind, the EPA's January 14, 2021 guidance titled "Applying the Supreme Court's *County of Maui v. Hawaii Wildlife Fund* Decision in the Clean Water Act Section 402 National Pollutant Discharge Elimination System Permit Program"?

RESPONSE: The January 14, 2021, guidance memorandum was issued at the very end of the previous Administration, and my staff have briefed me both on the content of this guidance memorandum as well as the continued concerns associated with this issue. If confirmed, I look forward to approaching decision-making on this important issue in a way that is inclusive of stakeholder perspectives and forward-looking, and that provides a durable outcome.

9. Is there a rulemaking planned to address the "functional equivalent" test that was established by the Supreme Court in *County of Maui v. Hawaii Wildlife Fund*?

RESPONSE: As noted above, EPA is still considering this issue. If confirmed, I look forward to approaching decision-making on this important issue in a way that is inclusive of stakeholder perspectives and forward-looking, and that provides a durable outcome.

10. Do you agree that permit finality is important for permits that have been issued under the Clean Water Act?

RESPONSE: I understand the important role of Clean Water Act permitting in authorizing discharges in a way that protects water quality and provides predictability for the entities subject to the permit.

11. If confirmed, do you commit that EPA will not retroactively or preemptively veto permits issued by the Army Corps of Engineers under Clean Water Act Section 404?

RESPONSE: Section 404 of the Clean Water Act provides important roles for EPA and the Corps of Engineers in managing the discharge of dredged or fill

material. If confirmed, I commit to working closely with Administrator Regan and the Corps, consistent with the authorities provided to each agency by Congress, to protect human health and the environment.

12. Since joining EPA, have you had any discussions about repealing, or done any work to repeal, the Clean Water Act Section 401 Certification Rule published at 85 Fed. Reg. 42210 (July 13, 2020)?

RESPONSE: President Biden’s Executive Order on Public Health and the Environment includes review of certain Trump Administration actions, and the Clean Water Act Section 401 rule is one of the EPA actions identified for review in accordance with the Executive Order. EPA is currently engaged in a review of the Clean Water Act Section 401 Certification Rule.

13. Do you support EPA’s approval of the State of Florida’s assumption of the Clean Water Act Section 404 program?

RESPONSE: EPA’s decision to approve the State of Florida’s Clean Water Act Section 404 regulatory program was made before my arrival at EPA, and I understand that the state is currently managing the Section 404 regulatory program, with oversight by EPA. If confirmed as Assistant Administrator, I believe it is my role to work with states, the Corps of Engineers, and other stakeholders consistent with cooperative federalism and the Clean Water Act.

14. If confirmed, do you commit to work with states seeking primacy for Underground Injection Control (UIC) Class II and Class VI programs, including granting primacy to them where consistent with EPA’s statutes and implementing regulations?

RESPONSE: Yes.

15. Over the past four years, EPA committed to partner with the agricultural industry and to develop creative solutions to manage excess nutrients. If confirmed, do you commit to continue to implement EPA’s memorandum titled “*Updating the Environmental Protection Agency’s Water Quality Trading Policy to Promote Market-Based Mechanisms for Improving Water Quality.*” issued February 6, 2019? If not, why not?

RESPONSE: If confirmed, I look forward to pursuing pragmatic solutions for reducing nutrient pollution in a collaborative manner with the agricultural community. We can protect water quality and strengthen agricultural economies, and we must actively engage with all who are impacted by our decisions—water utilities, farmers and ranchers, community organizations, environmental organizations, states, tribes, local officials, and many others. I am aware of the February 2019 memo and have been briefed by EPA career staff on

the important work underway to provide flexible solutions for achieving water quality and broader environmental benefits, and if confirmed I commit to carrying out this important work.

16. In 2019, the Office of Water issued a policy document titled “*Office of Water Policy for Draft Documents*.”¹ On May 12, 2021—the date of your confirmation hearing—EPA rescinded the Agency’s 2020 rule on the issuance, modification, withdrawal, and use of guidance documents. In light of the rescission of the 2020 rule by the Agency, will the Agency also be revoking the 2019 Office of Water policy on guidance documents?

RESPONSE: I believe this is an important question to consider now that President Biden has revoked Executive Order 13891 and EPA has rescinded EPA’s rulemaking for issuing modifying, withdrawing, and using guidance documents. EPA’s recent actions will restore EPA’s ability to provide timely guidance on which the public can confidently rely. If confirmed, I will discuss the issue you raised regarding the 2019 memorandum with the career staff in the Office of Water.

17. In conjunction with the recent rescission of the 2020 guidance rule,² EPA also took down the Agency’s public facing guidance portal. During your confirmation you mentioned a number of situations in your prior positions where you had to work with federal agencies, including EPA, and appreciated the need for transparency in how the Agency makes its decisions. Do you support EPA’s removal of the guidance portal from its website?

RESPONSE: EPA has historically employed procedures for public transparency and involvement in the development of agency actions, including guidance, and if confirmed I commit to continue these practices. In announcing the rescission of the October 2020 rulemaking, EPA made clear that the agency will continue to make agency guidance available to the public, and if confirmed I commit to doing so.

Senator Sullivan:

1. My Save Our Seas 2.0 (SOS 2.0) Act, the most comprehensive marine debris legislation ever passed by Congress, was signed into law in December 2020. In SOS 2.0, EPA is directed to prevent marine debris through: developing and disseminating a waste management strategy to reduce ocean plastic waste; and establishing and expanding

¹https://www.epa.gov/sites/production/files/2020-12/documents/ow_policy_for_draft_documents_to_ow_program_directors_signed_002.pdf

²<https://www.epa.gov/sites/production/files/2021-05/documents/prepub-guidancerescind-final-20210511.pdf>

infrastructure programs that reduce marine debris by: waste management and recycling grants; drinking water and wastewater grants; and trash-free waters grants.

- a. Since the Office of Water has such a substantial role in preventing marine debris through infrastructure programs, what are your thoughts on these efforts?

RESPONSE: My home is only a short walk to the Pacific Ocean, and I share your commitment to prevent plastic and other marine debris from entering our oceans. I appreciate your focus on this issue through the original Save Our Seas legislation as well as Save Our Seas 2.0, and if confirmed I look forward to working with you, and the talented staff in the Office of Water, to advance collective efforts on marine debris prevention.

- b. If confirmed, do you pledge to focus effort on marine debris prevention in general, and the implementation of Save Our Seas 2.0 in particular?

RESPONSE: Yes, this will be an important priority of mine, in coordination with EPA partners in the Office of Land and Emergency Management and the Office of International and Tribal Affairs, as well as EPA's federal partners. I look forward to keeping you informed of our important efforts in this area.

Senator Ernst:

1. Does the Biden Administration plan to use a new definition of WOTUS to help further its "30 x 30" initiative?

RESPONSE: No. EPA's efforts to develop an enduring definition of Waters of the U.S. are not related to the 30x30 initiative. President Biden's 30x30 initiative is being led by the Department of the Interior.

Senator CARPER. Thanks again.

Would you ask your Dad to raise his hand? Thank you so much. Who is that other fellow sitting next to him?

Ms. FOX. My husband.

Senator CARPER. My staff tried to convince me he was your brother, but that is your husband.

Thanks to both of you for being willing to share your daughter and wife with all of us. It is nice to see you all.

Dr. Freedhoff, please.

STATEMENT OF MICHAL FREEDHOFF, NOMINEE TO BE ASSISTANT ADMINISTRATOR FOR CHEMICAL SAFETY AND POLLUTION PREVENTION OF THE ENVIRONMENTAL PROTECTION AGENCY

Ms. FREEDHOFF. Good morning, Chairman Carper, Ranking Member Capito, Senator Inhofe, and other members of the committee.

It is an honor to be here today, though I will admit it is kind of strange to be sitting on this side of the dais. I am fortunate to have what I think of as three honorary home State Senators on this committee: Senator Cardin, from my adopted home State of Maryland; Senator Markey, my first Capitol Hill boss and for whom I worked for more than 15 years; and Chairman Carper, who gave me the opportunity to work on this committee staff the last 4 years.

Senator INHOFE. What about me?

Ms. FREEDHOFF. OK, you too.

[Laughter.]

Ms. FREEDHOFF. I am joined here today by my twin daughters, Zahava and Rena Van Leeuwen, who hopefully are not playing on their phones. Watching from home are my husband, Michael; my son, Sammy; and daughter, Vivienne.

My late mother, Helen Freedhoff, and my 85-year-old father, Stephen, who is stuck behind a closed border in Canada, would have been here if they could have been.

I moved to Washington the day after I defended my Ph.D. in chemistry. Although I didn't even have a job lined up, I was drawn to working in government, knowing that I could use my scientific background to make a difference in people's lives.

During my time on Capitol Hill, I was remarkably fortunate to have had the rare opportunity to work with so many of you and your staffs to rewrite the Toxic Substances Control Act. I certainly never imagined that I would have this once in a lifetime honor to be President Biden's nominee to lead the Office of Chemical Safety and Pollution Prevention at EPA and implement the law that we all worked so hard on.

During my more than two decades working for the legislative branch, I believe I earned a reputation for being fair, approachable, substantive, and able to craft provisions and consensus by bringing people with disparate viewpoints together.

Many provisions of this committee's unanimously supported PFAS legislation demonstrate the way I approach the legislative process. Some of these measures, like adding almost 200 PFAS chemicals to the Toxics Release Inventory that Senators Capito,

Gillibrand and Carper co-authored, actually fall within the office I would manage if confirmed.

It is that spirit of collaboration that I would bring to this new role. I believe that we can, and we must, fulfill EPA's mission of protecting human health and the environment in a manner that includes input provided by a diverse set of stakeholders. That applies to ensuring chemical safety under TSCA, to providing safe, effective tools for farmers to protect our food supply under the Federal Insecticide, Fungicide, and Rodenticide Act, FIFRA, and to working to incentivize more sustainable practices and products in our pollution prevention programs.

If confirmed, one of the responsibilities I most look forward to is implementing the Frank Lautenberg Chemical Safety for the 21st Century Act, TSCA. I consider that work to be a highlight of my career.

Some combination of the complexity of the subject matter, the intense debate surrounding some of the issues, and the shared legislative battle scars made the bipartisan team of staff, who spent months together as we worked to get it done, among my most trusted colleagues and friends today still. We took the time needed to understand each other's perspectives and made important compromises as we negotiated difficult and sometimes very divisive provisions of the bill. That hard work produced a law that was supported almost unanimously.

I want to provide my assurance that if confirmed, I will ensure that our activities are conducted transparently, using the best available science and informed by EPA's expert career staff. While you may not ultimately agree with every decision I make, I can commit to you that if confirmed, all our decisions will be well documented, transparently made, and will seek and incorporate input from all stakeholders.

Finally, while I have worked closely with EPA staff for years, I have developed newfound appreciation for their dedication, talent and resilience since arriving at the agency a few months ago. I am looking forward to working with the scientific, legal, and policy staff to implement America's chemical and pesticide safety programs.

If confirmed, I am confident that with their partnership we can move TSCA implementation forward in a manner that honors the late Senator Lautenberg's legacy and lives up to Congress's expectations that EPA uses its new authority to protect Americans against the risks of unsafe chemicals.

Thank you very much for the opportunity to testify, and I look forward to your questions.

[The prepared statement of Ms. Freedhoff follows:]

**Statement of Michal Freedhoff
Nominee for the Position of Assistant Administrator for the
Office of Chemical Safety and Pollution Prevention
in the
United States Environmental Protection Agency
Before the
Committee on Environment and Public Works
United States Senate**

May 12, 2021

Good morning Chairman Carper, Ranking Member Capito, and other Members of the Committee.

I am honored to appear before you today as President Biden's nominee to be the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention at EPA. I am fortunate to have what I think of as three honorary home state Senators who serve on this Committee – Senator Cardin, from my adopted home state of Maryland; Senator Markey, my first Capitol Hill boss and for whom I worked for more than 15 years; and Chairman Carper, who gave me the opportunity to work on this Committee's staff for the past four years.

I'm joined here today by my twin daughters, Zahava and Rena Van Leeuwen. Watching from home are my husband Michael, my son Sammy and daughter Vivienne. My late mother, Helen Freedhoff, and my 85-year-old father Stephen, who is stuck behind a closed border in Canada, would have been here if they could have been.

I moved to Washington the day after I defended my PhD in chemistry. Although I didn't have a job lined up, I was drawn to working in government, knowing I could use my scientific background to make a difference in people's lives through public policy. During my time on Capitol Hill, I was remarkably fortunate to have had the rare opportunity to work with so many of you and your staffs to rewrite the Toxic Substances Control Act. I certainly never imagined I'd

have this once in a lifetime honor to be President Biden's nominee to lead the Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention, and implement the chemical safety law we all worked so hard on.

During my more than two decades working for the legislative branch, I believe I earned a reputation for being fair, approachable, substantive, and able to craft consensus by bringing people with disparate viewpoints together to effectively solve problems. Many provisions of this Committee's unanimously supported 2019 PFAS legislation demonstrate the way I approached the legislative process. Some of these measures – such as adding almost 200 PFAS chemicals to the Toxics Release Inventory that Senators Capito, Gillibrand and Carper co-authored – fall within the Office of Chemical Safety and Pollution Prevention's authority that I would manage if confirmed.

It is that spirit of collaboration that I would bring to this new role. I believe that we can, and we must, fulfill EPA's mission of protecting human health and the environment in a manner that includes input provided by a diverse set of stakeholders. That applies to ensuring chemical safety under TSCA, to providing safe, effective tools for farmers to protect our food supply under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and to working collaboratively with industrial and environmental stakeholders to incentivize more sustainable practices and products in our Pollution Prevention programs like Safer Choice.

If confirmed, one of the responsibilities I most look forward to is implementing the Frank Lautenberg Chemical Safety for the 21st Century Act – TSCA. I worked closely with many of your staffs, especially in the last year and a half prior to enactment, and consider that work to be a highlight of my career. Some combination of the complexity of the subject matter, the intense debate surrounding some of the issues, and the shared legislative battle scars made the bipartisan team of staff, who all spent months together as we worked to get it done, among my most trusted

colleagues and friends. We took the time needed to understand each other's perspectives and made important compromises as we negotiated difficult and sometimes divisive provisions of the bill. That hard work produced a law that was supported nearly unanimously by both chambers of Congress and by a wide range of industry, environmental, and other stakeholders.

I also want to provide my assurance that if confirmed, I will ensure that our activities will be conducted transparently, using the best available scientific information, and informed by EPA's expert career staff. As a scientist by training, I know that not every scientific disagreement is a scientific integrity issue or other type of misconduct. I also know that sometimes the Agency's leaders need to make difficult policy decisions about which there is not a scientific consensus. However, there can be no tolerance for excluding key data or directing the alteration of scientific conclusions – otherwise, the Agency's credibility with the public, its stakeholders and the courts ultimately suffers. While you may not ultimately agree with every policy choice our office makes, I can commit to you that if confirmed, all our decisions will be well documented, transparently made, and will seek and incorporate input from all stakeholders.

Finally, while I have worked closely with EPA staff for years, I have developed newfound appreciation for their dedication, talent and resilience since arriving at the Agency a few months ago. I'm looking forward to working with the scientific, legal, and policy staff to implement America's chemical and pesticide safety programs. If confirmed, I'm confident that with their partnership we can move TSCA implementation forward in a manner that honors the late Senator Lautenberg's legacy and lives up to Congress's expectations that the EPA uses its new authority to protect Americans against the risks of unsafe chemicals.

I thank you for the opportunity to testify and look forward to your questions.

Senate Committee on Environment and Public Works
Hearing Entitled, "Hearing on the Nominations of Shannon Estenoz to be Assistant Secretary of Fish and Wildlife and Parks of the Department of Interior, Radhika Fox to be Assistant Administrator for Water of the Environmental Protection Agency, and Michal Freedhoff to be Assistant Administrator for Chemical Safety and Pollution Prevention of the Environmental Protection Agency."

May 12, 2021

Questions for the Record for Michal Freedhoff

Senator Kelly:

1. If confirmed, you would play a role in developing regulations which would govern the discharge and cleanup of PFAS. High levels of PFAS has been detected in several groundwater aquifers near Arizona military installations This is particularly concerning to me because every groundwater aquifer in Arizona could be used for drinking water – and as the Colorado River looks likely to enter a Tier 1 shortage this year, Arizona will be more dependent than ever on our groundwater supplies. If confirmed, how will you approach regulations related to PFOA and PFOS?
 - a. In particular, how will you ensure that EPA supports communities that are disproportionately dependent on drinking water from closed-source aquifers?

Response: As I stated at my nomination hearing, addressing PFAS and emerging contaminants will be a top priority of mine if confirmed as Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

While drinking water is not in my portfolio, EPA's chemical safety office is working on several PFAS initiatives that will help gather data and allow EPA to focus research and monitoring efforts to prioritize PFAS actions. First, we are requiring certain facilities to report to EPA releases of nearly 200 PFAS into the environment. Second, EPA has drafted a proposed rule that would require any company that manufactured PFAS since 2011 to tell EPA what they made, how much they made and what it was used for. This would also help focus EPA's monitoring and regulatory efforts. Third, EPA recently announced its expectation that new PFAS will generally not qualify for certain exemptions from TSCA's pre-manufacture notice review process going forward.

As we continue along this process, I am committed to a flexible approach and to working collaboratively with all stakeholders on the impacts of PFAS. The specific characteristics of Arizona communities you have highlighted are good examples of the types of information EPA will consider as we move forward in the regulatory process.

2. I wanted to ask for your thoughts on the broader precedent that might be set for EPA's pesticide program from the recent court ruling in the 9th Circuit. In the 2-1 ruling, the Court superseded EPA's scientific interpretation it used to reject a petition and mandated EPA take specific regulatory actions based on the Court's scientific interpretation. I am concerned this precedent will direct how EPA must treat petitions for any chemistry

moving forward. In order to withstand judicial scrutiny, EPA's career scientists may have to conduct significant reviews of all petition claims regardless of their expert assessment of the petition's underlying science. Has EPA considered these potential longer-term impacts in its decision on how to respond to the Court's ruling?

Response: Chlorpyrifos is a pesticide that is known to cause neurological harm at unsafe exposure levels, and is of great concern especially to the farmworkers and their families. EPA is reviewing the decision as it considers its options regarding the decision.

As the agency pursues its mission to protect human health, including that of children, and the environment, if confirmed, I commit to ensuring that registered pesticides do not cause unreasonable adverse effects on human health and the environment, helping support and protect farmworkers and their families while ensuring pesticides are used appropriately among the nation's agriculture, and ensuring EPA continues to use sound science in the decision-making process under the Federal Insecticide, Fungicide and Rodenticide Act.

Ranking Member Capito:

1. The Toxic Substances Control Act (TSCA) defines "conditions of use" as the circumstances under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of. What is the difference between a "reasonably foreseen" use and "any possible" use?

Response: If confirmed, I commit to implementing TSCA within the statutory requirements as written by Congress. In implementing TSCA, EPA bases "reasonably foreseen" use on information, knowledge, and experience, and not on any conceivable condition of use.

EPA indicated in its rulemaking entitled "Procedures for Chemical Risk Evaluation Under the Amended Toxic Substances Control Act" that "the identification of 'reasonably foreseen' conditions of use will necessarily be a case by case determination, and will be highly fact-specific. Sources of facts to support such determinations may include known activities associated with similar chemicals, knowledge of a chemical's properties that may allow it to replace a function currently being performed by non-chemical means, or information on research and development activities applying a chemical substance to a particular new use. It is reasonable to foresee a condition of use, for example, where facts suggest the activity is not only possible but, over time under proper conditions, probable." (82 FR 33730-31)

2. EPA evaluates potential pesticide risks under the Food Quality Protection Act, which requires a "reasonable certainty that no harm will result" from exposure to determine a pesticide is safe. Under TSCA, the risk standard is that the chemical is "not likely to present an unreasonable risk of injury to health or the environment." What is the difference in certainty between "not likely to present an unreasonable risk" and "reasonable certainty that no harm will result"?

Response: If confirmed, I commit to implementing EPA programs within their statutory requirements as written by Congress. The FQPA amended the Federal Insecticide, Fungicide and Rodenticide (FIFRA) and the Federal Food, Drug, and Cosmetics Act (FFDCA) to address, among other things, setting limits on the amount of pesticide residues that may remain in or on foods marketed in the U.S. In contrast, TSCA covers chemical substances manufactured, processed, distributed in commerce, used or disposed of for commercial purposes in the U.S. and explicitly excludes from the definition of “chemical substance” any pesticide (as defined in FIFRA) and any food, food additive, drug, cosmetic, or device (as defined in the FFDCA) when manufactured, processed, or distributed for use as such. The respective risk standards in various statutes are best interpreted within their own statute and body of caselaw, regulations and policies.

3. What steps will you take to ensure transparent coordination on chemical risk assessment and management between the Office of Chemical Safety and Pollution Prevention (OCSPP) and other EPA program offices or federal agencies?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting my office’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with other EPA program offices and other federal agencies.

OCSPP has regular communications regarding chemical risk evaluations with EPA staff from ORD and other offices to provide updates and opportunities for review and comment. For existing chemicals in risk management, OCSPP follows EPA’s processes for rulemaking, one of which is to form cross-agency workgroups that allow for input across the agency during the rule development. Additionally, we are engaging with the Occupational Safety and Health Administration, National Institute for Occupational Safety and Health, Department of Defense, National Aeronautics and Space Administration, and other federal agencies to leverage their expertise.

4. While the Office of Research and Development (ORD) leads the Agency’s scientific research activities, the OCSPP is responsible for evaluating risks from chemicals. Other EPA program offices, as well as state regulatory agencies, also carry out research and data analysis activities. Findings among different offices may not converge on a single outcome. How will you handle instances of conflicting data or conflicting conclusions within EPA or between EPA and your state partners?

Response: In addition to the existing processes described in response to Question 3, EPA’s Scientific Integrity Policy was issued in February 2012 and provides a framework to promote scientific and ethical standards and to create a proactive culture to support them. The policy explicitly welcomes differing views and opinions on scientific and technical matters as a legitimate and necessary part of the scientific process.

5. What do you believe is the appropriate role of the EPA’s Integrated Risk Information System (IRIS) program in regulating chemicals and the risk assessment

and management process, and how do you intend to ensure ORD coordination with OCSPP staff?

Response: EPA's IRIS program assesses the human health hazards for chemicals of interest to EPA. In the case of TSCA existing chemical risk evaluations, IRIS assessments can serve to inform the human hazard assessment for chemicals being evaluated. However, TSCA risk evaluations must also "integrate and assess available information on hazards and exposures for the conditions of use of the chemical substance."

Under TSCA, the Agency is required to use the best available science for many key Agency actions, whatever the source, so we routinely review and consider IRIS assessments in addition to other sources. However, the Agency will not rely solely on IRIS assessments for its TSCA activities, as that would not be consistent with the law. Put plainly, an IRIS assessment cannot substitute for a TSCA risk evaluation.

6. In a recent update to EPA's New Chemicals Program, EPA announced that it will no longer assume that workers are adequately protected under the Occupational Safety and Health Administration (OSHA) worker protection standards where EPA identifies a potential unreasonable risk to workers that could be addressed with appropriate personal protective equipment and hazard communication. What empirical evidence is EPA relying on to support the new approach of no longer assuming workers are adequately protected under the OSHA worker protections standards?

Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. If confirmed, I commit to ensuring necessary protections for workers. Decisions in the new chemicals program are made on a case-by-case basis. Conclusions regarding whether workers are or are not adequately protected under OSHA worker protection standards result from analysis of the applicable factual and legal conditions in each case. EPA can identify the absence of worker safeguards as "reasonably foreseen" conditions of use, and mandate necessary protections through a TSCA section 5(e) order, as appropriate. As a general matter, in 2020, violations of OSHA's respirator safety standards were third and violations of eye and face protection were ninth in OSHA's Top 10 Most Frequently Cited Standards, following inspections of worksites by federal OSHA. Please see <https://www.osha.gov/top10citedstandards>

7. A key driver for chemical innovation is to make chemicals that are safer or environmentally superior to the chemicals that they would replace.
 - a. Is EPA able to evaluate whether a proposed new chemical would be safer than the chemical(s) that it would replace?
 - b. If not, what prevents EPA from doing this evaluation?

Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. When new chemical submitters provide information adequate for considering the unique hazard and/or exposure characteristics for a chemical believed by the submitter to be safer than alternatives, EPA can incorporate this information into the risk assessment and/or risk management decisions for that chemical. In this

way, the program supports development of safer chemical substances by minimizing or eliminating regulatory burdens on new chemicals if they will replace riskier substances already in the marketplace.

8. You have publicly stated that you plan to reopen some or all of the first ten TSCA risk evaluations of existing chemicals by looking back “surgically at specific areas in some of the risk evaluations to supplement them as appropriate.” More specifically, how will your office reopen and supplement these risk evaluations, while ensuring the process is open, transparent, involves stakeholder input, and does not create undue confusion and uncertainty?

Response: Congress showed leadership in passing much-needed changes to TSCA—America’s primary chemical safety law. President Biden’s *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* requires EPA to review the last Administration’s actions, including risk evaluations for chemical substances under TSCA. The Agency is evaluating whether to make any changes in specific areas of some of the risk evaluations to make sure that the risk evaluations and risk management rules (which must address unreasonable risks identified in the risk evaluations) are scientifically and legally defensible and that the rules are sufficiently protective. We would consider doing this surgically because the first 10 risk evaluations documented unreasonable risk under the majority of conditions of use across the first ten chemicals for workers, occupational non-users, consumers and bystanders, and thus already require risk management to address the unreasonable risk in order to protect human health and the environment. To ensure there are not gaps in the scope of the risk evaluation, it would be important to conduct additional analysis to ensure that potential unreasonable risks have not been overlooked.

9. TSCA provides EPA 90 days to review new chemicals, or with good cause for extension, 180 days. How many submissions does EPA currently have that were submitted greater than 90 days ago? 180 days?

Response: EPA’s New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. As of May 16, 2021, EPA has 240 applications that were submitted more than 90 days earlier (and of this total, there are 189 applications that were submitted more than 180 days earlier). However, none of these applications are outside the applicable review period. EPA’s regulations at 40 CFR 720.75(b) allow submitters to request a voluntary suspension of the review period, and submitters often take advantage of this option in order to develop additional data or to continue discussions about their application with EPA.

10. Under TSCA, if EPA does not conclude its review on time, EPA is required to refund all charges to the submitter. Has EPA ever issued such a refund?

Response: TSCA section 5(a)(4) requires a refund of applicable fees in these circumstances, unless the submitter has not provided required information or has otherwise unduly delayed the process in a way that prevents timely determination. EPA in many cases grants a suspension of the review period requested by the submitter, which effectively puts the review period on

“pause” to allow the submitter to provide information to EPA to clarify the initial submission or to address risk identified by EPA after the initial risk assessment is completed. When the running of an applicable review period has been suspended, the lack of a determination within 90 days of receipt of a notice would not trigger a fee refund under TSCA section 5(a)(4). To date, EPA has not issued a refund for failing to make a determination on a notice by the end of the applicable review period.

11. In certain circumstances, EPA can request suspensions of the TSCA deadlines and request additional information. However, EPA has been increasingly requesting suspension of the TSCA deadlines without requesting additional information. If EPA requests a suspension of the TSCA deadlines but does not request additional information, and the submitter denies the suspension request, how would EPA proceed?

Response: EPA’s regulations at 40 CFR 720.75(b) allow submitters to request a voluntary suspension of the review period, and submitters often take advantage of this option in order to develop additional data or to continue discussions about their application with EPA. Suspensions of new chemical reviews are requested by submitters of new chemical notices, most often when EPA has conducted a risk assessment for a new chemical and identified potential risks.

If confirmed, I look forward to learning more about this issue from the science and programmatic experts at EPA.

12. How many suspensions has EPA requested and how many of those were not accompanied by a request for additional information?

Response: EPA’s regulations at 40 CFR 720.75(b) allow submitters to voluntarily suspend the running of the notice review period, and submitters often take advantage of this option in order to develop additional data or to continue discussions about their application with EPA. Please also see the response above.

13. Do you believe requesting the suspension without asking for additional information circumvents the deadlines in the statute?

Response: Section 5(e) of TSCA allows the Agency to issue orders when adequate information is not present. Issuing suspensions, at the submitters request, can benefit both submitters and the public. If confirmed, I commit to conducting the Agency’s work in a transparent manner, as scientific integrity and evidence-based policymaking are restored throughout EPA, and look forward to learning more about this issue from the science and programmatic experts at EPA.

14. To prevent the government from slowing innovation, the previous Administration focused on reducing the backlog of new chemical applications, successfully reducing the new chemical backlog from over 450 cases to 183 cases by January 2021. What is the number of cases in the backlog today?

- a. Do you expect the backlog to increase given EPA's recently announced policy changes to new chemical reviews?
- b. How will you prevent increasing the backlog?

Response: EPA's New Chemicals program helps manage the potential risk to human health and the environment from chemicals new to the marketplace. In August 2017 it was announced that the "backlog" was eliminated, although there were 302-308 cases still under review (<https://archive.epa.gov/epa/newsreleases/epa-eliminates-new-chemical-backlog-announces-improvements-new-chemical-safety-reviews.html>). None of the cases in EPA's current queue (300 as of May 16, 2021) are outside the applicable review period. For any case that was submitted over 90 days ago, the review period has been voluntarily suspended at the request of the submitter pursuant to 40 CFR 720.75. For 73 of those 300 cases, EPA is awaiting submitter input. The remaining cases are in various stages of review, as shown on EPA's New Chemicals case tracker webpage (<https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review>).

15. How do you plan to communicate to the public what are real-world, expected risks versus risks generated by modeling and assumptions that reflect a worst-case scenarios?

Response: I believe it is important for all public servants to be transparent with the Congress and the public as we look at information and develop decisions for moving forward. As I said in my response to Chairman Carper related to worker safety, I also believe that the Agency could improve upon its TSCA risk communications efforts in order to provide the appropriate context for its risk evaluations.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

16. In a previous conversation with me, you acknowledged that not all PFAS are the same. Do you think EPA should analyze and regulate individual PFAS based on their particular health and environmental risks?

Response: President Biden highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I commit to addressing PFAS as a top priority for EPA.

Consistent with TSCA, the chemical safety office assesses and regulates PFAS either individually or as groups/categories based on similarity in physical-chemical and biological properties, as deemed appropriate based on the availability of data/information and the regulatory context and decision being made. Grouping or category approaches for chemical assessment and regulation have been used under TSCA for both new and existing chemical assessment for decades.

In the legislative language authored by the Senate Environment and Public Works Committee and enacted in 2019, the Agency (through its Office of Research and Development, ORD) was given direction to

“(2) develop a process for prioritizing which perfluoroalkyl and polyfluoroalkyl substances, or classes of perfluoroalkyl and polyfluoroalkyl substances, should be subject to additional research or regulatory efforts that is based on—

(A) the potential for human exposure to the substances or classes of substances;

(B) the potential toxicity of the substances or classes of substances; and

(C) information available about the substances or classes of substances;”

I see great value and near-term applicability of ORD’s work in this area.

17. Should PFAS ever be grouped and reviewed accordingly based on similar physical, chemical, and biological properties and, if so, what scientific reviews are necessary to ensure that a group of PFAS compounds pose the same health and environmental risks, if any?

Response: Generally, classes or sub-classes of substances are groupings based on similar structural, physical-chemical and/or biological properties.

The chemical safety office believes that grouping of PFAS based on similarity in structural, physical-chemical and biological properties is appropriate. Further, such grouping or category approaches have been used within OPPT for both new and existing chemical assessment for decades. This experience, and the emerging research conducted by ORD (as directed by Congress), as well as established approaches, for example as developed in the Organization for Economic Cooperation and Development (OECD), for developing scientifically sound chemical groups or categories, would be the basis for ensuring PFAS groups or categories are scientifically sound.

18. During your nomination hearing before the Committee, you acknowledged that there are gaps in EPA’s PFAS research that need to be filled. What are the remaining PFAS research gaps that need to be resolved before the Agency is able to move forward with additional regulatory actions?

Response: President Biden highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I commit to addressing PFAS as a top priority for EPA.

While extensive research exists for some PFAS, that is not the case for all of them. The efforts underway at EPA, which draw in part from legislation authored by the Senate Environment and Public Works Committee, are designed to strategically focus our research, monitoring and

regulatory efforts on the PFAS that have been identified as being of concern due either to their potential hazard or presence in the environment.

19. What is a simple chemical description that is common to and describes all PFAS compounds?

Response: OPPT applies the following “working definition” when identifying PFAS on the TSCA Inventory: a structure that contains the unit R-CF₂-CF(R')(R''), where R, R', and R'' do not equal "H" and the carbon-carbon bond is saturated (note: branching, heteroatoms, and cyclic structures are included). This definition may not be identical to other definitions of PFAS used within by EPA and/or other organizations.”

20. Given this Administration’s policy of evidence-based decisions supported by the best available science and data, how would you handle a situation where staff work relies on a scientific study that is missing critical information to support its findings?

Response: OCSPP uses Systematic Review to search for and evaluate the quality and completeness of scientific studies used for TSCA Risk Evaluations. The resulting risk evaluation, including the assessment of the underlying body of evidence, is subject to a rigorous external and independent peer review to ensure that the results meet the bar of best available science. In addition, TSCA risk evaluations are subjected to public comment, which present opportunities to submit studies that commenters believe the Agency has overlooked or where they have concerns with our use of specific studies.

If confirmed, I commit to conducting my office’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including relying on the best available science.

Senator Inhofe:

1. Dr. Freedhoff, as EPA continues implementing the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act, it is fundamentally important that the EPA safeguard private stakeholders’ confidential business information. Protecting America’s confidential business information is vital to global competitiveness and national security. We cannot allow countries like China access to sensitive business information. Will you ensure the regulated community has ample time to ask questions and make corrections to any sensitive business information that will be shared publicly by EPA?

Response: If confirmed, I commit to transparency while fulfilling responsibilities under TSCA. Under TSCA, EPA collects a range of information and in some cases the law allows some of it to be claimed as confidential business information (CBI). EPA is respectful of CBI, the release of which may cause substantial business injury to the owner.

EPA has established new processes, systems, and procedures to enable submitters to provide the information required when making confidentiality claims and to facilitate EPA's review, and where applicable, determinations on these claims.

2. Dr. Freedhoff, it is fundamentally important that the EPA continually engage the private stakeholders it is regulating. As you know, the EPA is currently conducting a public comment period on five final rules for persistent, bioaccumulative toxic chemicals previously issued on January 6, 2021, under TSCA. I am aware of concerns that these rules may pose challenges for retailers, who are newly subject to potentially strict liabilities and high penalties for the sale of "articles" containing these chemicals. However, it is my understanding that these rules may not provide retailers with the information they need to take action related to these articles. Has EPA conducted outreach to the retail community to seek their input on the best way to enable their participation in these new rules?
 - a. Will you commit to working with retailers to ensure they are provided with the supply chain information they need to implement the intended sales restrictions on articles?
 - b. And will you commit to improving stakeholder engagement as you continue implementation of TSCA?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

Regarding persistent, bioaccumulative and toxic (PBT) chemicals, if confirmed, I commit that before making a decision on next steps, EPA will review public comments received in response to the Agency's request for comment on the final PBT rules. We encourage members of the public to provide comments on the final rules including whether there are further exposure reductions that could be achieved, including for potentially exposed or susceptible subpopulations and the environment; implementation issues associated with these final rules; and whether to consider additional or alternative measures or approaches such as requiring personal protective equipment.

3. Dr. Freedhoff, there are a number of measures that we must take to eradicate the COVID-19 pandemic. Vaccinations are an important and effective measure against the virus but there are additional measures that can be utilized to reduce the spread of COVID-19, including through long-lasting disinfectants. Long-lasting disinfectants minimize the required number of regular disinfectant applications, thereby reducing the potential negative health impacts that come from over application of regular disinfectants. Allied BioScience (ABS), a biotech firm, created "SurfaceWise2", which is a continuously active antiviral surface coating that kills viruses, including SARS-CoV-2. Accordingly, ABS has submitted an application for nationwide use of the product under the standard authority laid out in Section 3 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). If approved for use, Americans would have access to a long-lasting disinfectant

that has been approved by EPA for residual efficacy of up to 30-days. When do you expect the final Section 3 approval process to be completed?

- a. Are there any steps you can take to expedite the regulatory review process?
- b. And will you please keep my staff updated on EPA's review and actions related to this application?

Response: In order to respond to the public's needs over this past year of the pandemic, EPA expedited review and approval of surface disinfectant products for use against SARS-CoV-2, the coronavirus that causes COVID-19, created List N, a public listing of products expected to be effective against SARS-CoV-2, and then added over 500 products to it. Over the course of the last year, EPA reacted to unprecedented circumstances by activating its Emerging Viral Pathogens guidance, minimizing disinfectants supply chain disruptions through regulatory flexibilities, releasing new and updated scientific protocols, and providing several pathways for expedited review. If confirmed, I commit to continue to follow the evolving science of the pandemic by shifting resources to the evaluation of novel products, such as those that kill airborne SARS-CoV-2; to meet critical deadlines in the registration and review of all pesticide products within EPA's purview; and to keep Congress informed on EPA actions, including communicating with your office regarding Allied BioScience's application for registration of their SurfaceWise2 product.

Senator Cramer:

1. Dr. Freedhoff, North Dakota is home to the most innovative and resilient agricultural producers. These producers operate on tight margins in order to provide the highest quality food, fuel, and fiber in the world. Unfortunately, producers are reluctant to commit to long-term purchases of chemical products because of the fear that the products or components could be revoked or altered at any time, leaving them with purchased product they are unable to use. The agricultural community has expressed a strong interest in the Environmental Protection Agency (EPA) maintaining an independent, predictable, science-based, and risk-based regulatory process for pesticides that generates continuity and reliability for their operations. Under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Congress granted EPA the authority to determine pesticide safety. EPA's Office of Pesticide Programs is staffed by scientists that work to ensure each registration label is underpinned by sound science with respect to human health and the environment. You are no doubt aware of the recent ruling in LULAC v. EPA. I am concerned the potential precedent this ruling might set and the impact it may have on EPA's pesticide program. If a court can place its own scientific interpretation over EPA's, that could undermine EPA's authority to make independent, science-based decisions, and might require EPA to invest significant resources to review petition claims in the future to ensure decisions withstand judicial scrutiny.
 - a. Is EPA concerned about the potential of this precedent and considering potential long-term impacts in its response to the ruling?
 - b. Should the frequency of petitions increase or if EPA must invest additional staff work into their consideration moving forward, does EPA have the capability to conduct additional petition work without significant disruptions to the pesticide program?
 - c. How will you work with EPA's Office of General Counsel and the Justice Department to defend the science behind existing pesticide registrations, of which EPA career

scientists within the Office of Pesticide Programs work to underpin with sound science?

- d. Do you believe the pesticide program should be stable and predictable?
- e. Should you be confirmed, how will you work with producers and industry to provide certainty and consistency to the pesticide program?

Response: Chlorpyrifos is a pesticide that is known to cause neurological harm at unsafe exposure levels and is of great concern especially to the farmworkers and their families. EPA is reviewing the decision as it considers its options regarding the decision.

As the agency pursues its mission to protect human health, including that of children, and the environment, if confirmed, I commit to ensuring that registered pesticides do not cause unreasonable adverse effects to human health and the environment; to helping support and protect farmworkers and their families while ensuring pesticides are used appropriately among the nation's agriculture; and to using sound science in the decision-making process under the Federal Insecticide, Fungicide and Rodenticide Act.

EPA believes it is important to be responsive to petitions from the American public where there may be concerns regarding the safety of specific pesticide products. To respond to these concerns, EPA relies on the best available science and makes every effort to integrate our responses to petitions with our ongoing work under the registration and registration review programs.

Providing predictability on pesticide regulatory decisions is an important goal of the pesticide program. The Pesticide Registration Improvement Act (PRIA) provides a registration service fee system for applications for specific pesticide registration actions, which is designed to create a more predictable evaluation process for affected pesticide decisions. Regulatory decisions based on sound science is central to achieving this predictability. Moreover, I am committed to engaging with all stakeholders, listening to their concerns, and working collaboratively with them to enhance the robustness and certainty of the pesticide program.

- 2. Dr. Freedhof, as you know in 2016 Congress reformed TSCA on a bipartisan basis. I played a role in this from serving on the House Energy and Commerce Committee. At the time, it was viewed as a win-win for human and environmental health and timely review for product innovations by businesses. Significant fees are now assessed on industry in return for commitments on adequate staffing for efficient reviews. However, it is being reported that implementation of the 2016 reforms has been bumpy and is getting even bumpier at EPA. Chemical reviews have stalled, staff are unable to have meaningful dialogue with industry, extreme assumptions on risk are being made, and the best available science and real world data is not being incorporated. As a result, U.S. innovation is being stifled, putting American manufacturing at a competitive disadvantage.
 - a. Are you committed to work with industry to get a clear, consistent, and timely process?

Response: The Senate EPW Committee showed leadership in passing much-needed changes to TSCA—America’s primary chemical safety law. President Biden’s *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* requires EPA to review the last Administration actions, including risk evaluations for chemical substances under TSCA.

Since arriving at the Agency, I have met with numerous industry groups, and have repeatedly expressed my commitment to ensuring that the chemical safety office solicits industry data and other information, incorporates that information into our decision-making, and works to address industry concerns wherever possible. As I also said in my response to Chairman Carper related to worker safety, I believe that the Agency could improve upon its TSCA risk communications efforts in order to provide the appropriate context for its risk evaluations, and if confirmed, I commit to making that a priority.

If confirmed, I will work with all stakeholders, including industry, to implement strong chemical safety protections with a much-needed emphasis on safeguarding workers who manufacture or handle chemicals and reducing the potential disproportionate impact such chemicals have on people of color and low-income and indigenous communities.

Senator Lummis:

1. Does the EPA plan to alter existing or establish new mineralogical definitions? If so, will you commit to obtaining and incorporating input from mineralogical experts?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

If confirmed, I commit to conducting my office’s work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with regulated entities; to using sound science in the decision-making process under our chemical safety programs; and to implementing those programs within their statutory requirements as written by Congress, including as we consider mineral forms such as in asbestos.

2. At your nomination hearing, you emphasized that EPA’s decision-making will be transparent and well-documented. Do you commit to provide the same level of transparency and documentation to regulated entities throughout the risk evaluation and management process, including engaging with those entities while developing draft risk evaluations?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

Since arriving at the Agency, I have met with numerous industry groups, and have repeatedly expressed my commitment to ensuring that the chemical safety office solicits industry data and other information, incorporates that information into our decision-making, and works to address

industry concerns wherever possible. This transparency and documentation will be extended to all stakeholders, including regulated entities.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with regulated entities.

3. A lack of clear risk communication by EPA frequently creates public concerns over health and safety, many of which are the result of lack of information as opposed to actual risk to human health or the environment. What role does public perception play in EPA's decision-making?

Response: I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward.

As I also said in my response to Chairman Carper related to worker safety, I believe that the Agency could improve upon its TSCA risk communications efforts in order to provide the appropriate context for its risk evaluations, and if confirmed, I commit to making that a priority.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

Senator Boozman:

1. The 2018 farm bill directed the Environmental Protection Agency (EPA), the Department of Interior's Fish & Wildlife Services, and the Department of Commerce's National Marine Fisheries Services ("Services") to establish an Interagency Work Group (IWG) to increase the timeliness and quality of Endangered Species Act species and habitat consultations for pesticides, develop a streamlined process for identifying which actions require consultations, and secure durable cooperation between the agencies. In recent public statements you said fixing the alignment of the Endangered Species Act (ESA) and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) is essential and if not fixed, will put EPA's ability to approve new crop protection products at risk to being shut down by the courts. If confirmed, do you commit to spending the time and energy it will take to work with your colleagues at the Services to substantially improve the ESA-FIFRA process, so that timely registration of crop protection products is more certain?
 - a. If so, what are the three most important administrative reform ideas you plan to pursue?
 - b. Do you support using the best available data and analyzing "what's likely vs. what's possible" when considering rates of use of pesticides?

Response: I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting listed species and supporting local agricultural economies. If confirmed, I commit to working with EPA stakeholders to realize our shared goal of protecting listed species.

If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward.

2. It is essential for EPA to maintain an independent, predictable, science-based, and risk-based regulatory process to ensure the safety and efficacy of pesticides. EPA's Office of Pesticide Programs is staffed by expert scientists that work to ensure each registration label is underpinned by sound science with respect to human health and the environment. Unfortunately, the U.S. Court of Appeals for the Ninth Circuit has increasingly supplanted EPA's registration and registration review decisions instead of relying on the scientific analysis of EPA's career scientists. An example is the recent decision by the U.S. Court of Appeals for the Ninth Circuit issued on April 29, 2021, in the case of *League of United Latin American Citizens, et al. v. U.S. Environmental Protection Agency* concerning chlorpyrifos and other recent registrations undergoing legal challenge including glyphosate. In your view does the Ninth Circuit's increasing interest in renegotiating registrations from the bench pose as a threat to EPA scientific integrity, the work of its Office of Pesticides Program career staff, and EPA's existing registration processes?
 - a. If confirmed, how will you work with EPA's Office of General Counsel and the Department of Justice to defend the Agency's science-based decisions on existing pesticide registrations?

Response: Chlorpyrifos is a pesticide that is known to cause neurological harm at unsafe exposure levels and is of great concern especially to the farmworkers and their families. EPA is reviewing the decision as it considers its options regarding the decision.

As the agency pursues its mission to protect human health, including that of children, and the environment, if confirmed, I commit to ensuring that registered pesticides do not cause unreasonable adverse effects on human health or the environment; to helping support and protect farmworkers and their families while ensuring pesticides are used appropriately among the nation's agriculture; and to using sound science in the decision-making process under the Federal Insecticide, Fungicide and Rodenticide Act.

3. The Pesticide Registration Improvement Act was signed into law in 2004 and was reauthorized in 2007, 2012 and 2019 – each time with the support of a diverse consortium of trade associations, non-governmental organizations, and state government officials. This legislation brought new, dedicated funds to the Environmental Protection Agency's Office of Pesticide Programs for more efficient pesticide registration and re-registration activities; it gave registrants certainty in the registration process after decades of uncertainty; it provided funding for farm worker education and training; and it brought needed funds for training for agricultural and healthcare workers. Over the past few years, due to resource constraints and other issues, the rate in renegotiated decision timeframes for pesticide regulatory reviews has increased significantly. Since the start of the fiscal year, EPA has renegotiated nearly 64% of all conventional pesticide decision deadlines, 24% of biopesticide decision deadlines, 6% of antimicrobial deadlines and over 28% of inert ingredient decision deadlines. In addition, there is a significant

backlog of smaller non-PRIA actions that are paid for by annual registrant maintenance fees on existing products. If confirmed, will you work to enact process improvements to address the significant renegotiation rates and the backlog of non-PRIA actions?

- a. Further, if confirmed, will you continue efforts of past Assistant Administrators and convene all stakeholders including Congress, industry and the NGOs community with the goal of reauthorizing PRIA prior to October 1, 2023 to ensure EPA has the resources to complete timely pesticide registration and registration review decisions as efficiently as possible?

Response: Like past Assistant Administrators, I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies.

If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward.

4. EPA has an essential role in facilitating trade through harmonizing U.S. pesticide tolerances with Codex Maximum Residue Levels in the registration review process to renewing the Trilateral Working Group on pesticides under the Sanitary/Phytosanitary Committee on the new USMCA agreement. Importers of pesticide products manufactured in the U.S. require submission of both certificates of origin and certificates of registration issued by EPA, a process that needs improvements before it becomes an unnecessary trade barrier. If confirmed, do you commit to facilitating international trade for the industries regulated by EPA, including crop protection?

Response: I believe it is important for all public servants to be transparent with the Congress and the public as we look at information and develop decisions for moving forward.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with other countries and international organizations. I would look forward to being briefed on issues such as this related to improving EPA's pesticides programs and international trade.

5. In December 2020, the Mexican government issued a Presidential Decree stating the intent to eliminate the use, distribution, and importation of glyphosate in Mexico. The Decree, which is inconsistent with the U.S.-Mexico-Canada Agreement (USMCA), sound science, and other international sanitary/phyto-sanitary (SPS) standards, creates a dangerous potential precedent that could extend to other agricultural chemicals and negatively impact U.S. agricultural exports. If confirmed, do you commit to working with USTR and USDA to ensure our trading partners uphold their commitments, including scientifically sound SPS standards, related to crop protection tools under our trade agreements?

Response: I believe it is important for all public servants to be transparent with Congress and the public as we look at information and develop decisions for moving forward.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including working with other federal agencies, countries, and international organizations. I would look forward to being briefed on issues such as this related to improving EPA's pesticides programs and international trade.

6. On August 31, 2020, EPA published a proposed rule in the Federal Register (EPA-HQ-OPP-2019-0508) [Pesticides: Exemptions of Certain Plant-Incorporated Protectants Derived from Newer Technologies](#), which was written by EPA career experts in the Office of Pesticide Programs' Biopesticides and Pollution Prevention Division. During the rule's subsequent 60 day public comment period, agricultural and technology stakeholders welcomed EPA's efforts to facilitate a more streamlined, science-based regulatory pathway for this technology, and those stakeholders provided targeted recommendations on ways to improve the proposed rule. Finalizing this rulemaking, consistent with the aforementioned stakeholders' recommendations, would help modernize EPA's regulatory approach to these technologies that could result in less water usage, less crop and food waste, and help combat climate change. Without this rule, there is not a consistent, workable regulatory pathway for these technologies. If confirmed, do you commit to ensuring EPA submits a final rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget for interagency review as soon as possible?

Response: The rulemaking your question references continues to be an agency priority, as highlighted in EPA's regulatory agenda, and we are currently considering the comments received on the proposed rule with the goal of responding to those comments and issuing a final rule later this year.

If confirmed, I would look forward to working with colleagues at the U.S. Department of Agriculture on these issues, and more broadly, to working with stakeholders so that new technologies and innovations can be taken into account in our pesticides programs.

7. EPA's pesticide evaluation process is science-based and considers both the potential risks *and* benefits of pesticide products. The registration process includes risk assessments to ensure a product protects human health, including the health of children, the elderly, and immune-compromised individuals, the environment, and endangered species. Further, under the law EPA must reevaluate all registered pesticides at least every 15 years to ensure they continue to meet required safety standards. The current review cycle concludes October 1, 2022. This robust –science-based regulatory system is essential to providing consumers with assurance about the safety of pesticide products that are vital in protecting our nation's food supply, public health and safety, infrastructure, natural resources, and green spaces. Our regulatory process is also seen as the gold standard for the world and is required to meet World Trade Organization obligations. If confirmed, how will EPA strengthen and defend risk-based regulation and the science supporting its regulatory decisions?

Response: I firmly support EPA's risk-based approaches to pesticide assessments. If confirmed, I commit to continue to underscore the need for pesticide registration and reevaluation decisions that consider both hazard and potential exposure, and to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including our pesticides programs.

8. Pests are harmful to our nation's food supply, public health, infrastructure, natural resources, and green spaces. Science-based integrated pest management (IPM) programs are used to manage mosquitoes, ticks, and rodents that carry disease; protect our nation's public utilities, rights-of-way, and infrastructure from invasive weeds; manage overgrowth and vegetation that pose fire hazards; and maintain homes, greenspaces, parks, sports fields, and golf courses. The definition of IPM is contained in three federal laws: (1) the 1996 Food Quality Protection Act (PL 104-170); (2) the Children's Health Act of 2000 (PL 106-310); and (3) the Food, Conservation, and Energy Act of 2008 (PL 110-234). These laws define IPM as "a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks." IPM tries to reduce the risk of pests becoming a problem in the first place while having a specific plan of action to follow when pest populations reach a certain level. In the school environment, for example, this tolerance level may be quite low, or even "zero," in the case of rodents in school cafeterias. If confirmed, will EPA uphold the statutory definitions of IPM and ensure *all* essential pest control tools – biological, cultural, physical, and chemical – continue to be available to consumers, professionals, and those that maintain facilities such as schools, parks, athletic fields, day care centers, hospitals, and residences?

Response: As the agency pursues its mission to protect human health and the environment, if confirmed, I commit to ensuring that registered pesticides do not cause unreasonable adverse effects on human health and the environment; using sound science in the decision-making process under our pesticides programs; and implementing those programs within their statutory requirements as written by Congress.

While traditional pest control involves the routine application of pesticides, IPM focuses on pest prevention and only using pesticides as needed. This provides a more effective, environmentally sensitive approach that combines biological, cultural, physical, and chemical tools to minimize risks associated with pests and pesticides.

9. Effective pest and rodent control is essential to protecting the health and well-being of our families and communities, regardless of socioeconomic circumstances. Mosquitoes, for example, can carry West Nile virus, Zika virus, Eastern Equine Encephalitis, and yellow fever. Ticks can carry Lyme disease and Rocky Mountain spotted fever. According to the CDC, rodents directly transmit eleven serious diseases (including Hantavirus pulmonary syndrome, plague, and tularemia), and indirectly transmit even more. Whether pest control is undertaken by a professional or a consumer, pesticide products are a crucial component of managing pests and protecting public health at home, school, work, and play. If confirmed, how would you promote greater efficiency in the Office of Pesticide Programs, so these essential products are effectively managed through

the regulatory process that follows FIFRA's risk-benefit standards and fully considers the benefits of the non-agricultural pesticides used to control mosquitoes, ticks, rodents, termites, and plant diseases?

Response: Federal law requires EPA, in coordination with Centers for Disease Control and Prevention (CDC) and the U.S. Department of Agriculture (USDA), to identify pests of significant public health importance and in coordination with the Public Health Service, to develop and implement programs to improve and facilitate the safe and necessary use of chemical, biological, and other methods to combat and control such pests of public health importance. I believe it is vital to continue this work and to collaborate with the pest control industry and the environmental community to find common ground on protecting human health and the environment and controlling dangerous pests.

If confirmed, I look forward to working with the pest control industry and other stakeholder groups on how to chart a path forward.

10. In November 2020, EPA released its draft Biological Evaluation (BE) for public comment on atrazine, simazine and propazine, three widely-used herbicides used to control a variety of grasses and broadleaf weeds. EPA's comment period closed in February 2021, but EPA has not yet published the final BE. If confirmed, what will you do to ensure all reliable and available science, with respect to both exposure and toxicity, is fully assessed and used to impact the final BE on this crucial technology product group?
- a. Further, if confirmed, what steps will you take to ensure full consideration is given to the data alluded to in the paper "Grounds for an Atrazine Ecological Endpoints Update," submitted to EPA by a group of farm organizations on December 15, 2020?

Response: I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting listed species and supporting local agricultural economies.

If confirmed, I commit to considering all input received as we consider whether to make any scientifically supportable changes to the biological evaluation for atrazine, simazine, and propazine before any initiation of consultation with the Services.

I believe it is important for all public servants to be as transparent with the Congress and the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including our pesticides programs.

11. In addition to serving on EPW, I am also honored to serve as the Ranking Member on the Senate Agriculture, Nutrition & Forestry Committee, which has primary oversight over FIFRA and EPA's work related to pesticides. If confirmed, do you commit to appearing before the Senate Agriculture, Nutrition & Forestry Committee on issues related to EPA's administration and implementation of FIFRA-related activities?

Response: If confirmed I would look forward to working with the Senate Agriculture Committee on pesticides issues.

Senator Wicker:

1. The Pesticide Registration Improvement Act (PRIA) was signed into law in 2004 and was reauthorized in 2007, 2012 and 2019, each time with the support of a diverse group of stakeholders. This legislation brought new, dedicated funds to the Environmental Protection Agency's (EPA) Office of Pesticide Programs for more efficient pesticide registration and re-registration activities. It also gave registrants certainty in the registration process after decades of uncertainty, and it provided funding for farm worker education and training. Due to resource constraints and other issues, the rate in renegotiated decision timeframes for pesticide regulatory reviews has jumped significantly in the past few years. Since the start of Fiscal Year 2021, EPA has renegotiated nearly 64% of all conventional pesticide decision deadlines, 24% of biopesticide decision deadlines, 6% of antimicrobial deadlines and over 28% of inert ingredient decision deadlines. In addition, there is a significant backlog of smaller non-PRIA actions that are paid for by annual registrant paid maintenance fees on existing products. If confirmed, will you work to enact process improvements to address the significant renegotiation rates and the backlog of non-PRIA actions?
 - a. If confirmed, will you also continue the efforts of past Assistant Administrators and convene all stakeholders including Congress, industry and non-governmental organizations to reauthorize PRIA prior to the start of Fiscal Year 2024 to ensure EPA has the resources needed to complete timely pesticide registration and registration review decisions efficiently?

Response: Like past Assistant Administrators, I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies.

If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward.

2. EPA's pesticide evaluation process is science-based and considers both the potential risks and benefits of pesticide products. The registration process includes risk assessments to ensure that the product protects human health, including the health of children, the elderly, and immune-compromised individuals, the environment, and endangered species. In addition, the law requires EPA to reevaluate all registered pesticides at least every 15 years to ensure they continue to meet required safety standards. The current review cycle concludes October 1, 2022. This robust-science based regulatory system is essential to providing consumers with assurance about the safety of pesticide products that are vital for protecting our nation's food supply, public health and safety, and natural resources. Our regulatory process also is considered the gold standard globally and is required to meet World Trade Organization obligations. If confirmed, how will EPA, under your

leadership, strengthen and defend risk-based regulation and the science supporting its regulatory decisions?

Response: I firmly support EPA's risk-based approaches to pesticide assessments and the need for pesticide registration and reevaluation decisions that consider both hazard and potential exposure.

If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including our pesticides programs.

3. The 2018 Farm Bill directed EPA, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service to establish an Interagency Work Group to increase the timeliness and quality of Endangered Species Act (ESA) species and habitat consultations for pesticides. The legislation also required EPA and the Services to develop a streamlined process for identifying which actions require consultations and to secure durable cooperation between the agencies. In recent public statements, you have mentioned that fixing the alignment of the Endangered Species Act and FIFRA is essential, and the ability of EPA to approve new crop protection products is at risk to be shut down by the courts if not fixed. If confirmed, do you commit to working with your colleagues at the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to avoid a programmatic stoppage?

Response: If confirmed, I commit to continuing to work with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to carry out the requirements of the 2018 Farm Bill.

Senator Ernst:

1. You have spoken about your commitment to scientific integrity. I applaud your focus on that; it is indeed critical to ensure that every decision EPA makes is based on sound science. I know you also understand as well as anyone that the regulation of pesticides in this country is risk-based, and that FIFRA, the primary law governing pesticide regulation, also requires EPA to balance any risks of a pesticide with its benefits. There is a class of selective herbicides that cattle producers and other land managers in my state and across the country have used successfully for decades to manage noxious/invasive weeds and improve pasture/rangeland health. EPA has recently published decisions/proposals involving products in this class of chemicals that show a pretty striking overemphasis on a very narrow set of potential hazards/perceived risks related to agricultural waste and its use in compost and a woefully insufficient regard for the very real benefits of the products in question, including the many risks that pesticide products reduce or eliminate. I'm concerned that without a course correction, cattle producers in my state and across the country may lose the flexibility they need to use these products. I'm especially concerned that the direction EPA is going could limit cattle producers' options during times of drought or other natural disasters – threatening not only their bottom line but the welfare of their animals. Decisions that rely on sound

science incorporate all available information, including the considerable benefits from pesticides, and rely on data to assess risk, not inaccurate default assumptions. How will you improve the quality of EPA's pesticide reviews to more accurately reflect the underlying science on a pesticide product's benefits and risks?

Response: If confirmed, I commit to conducting my office's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA, including using the best available science. Regarding your concern about EPA pesticide decisions limiting cattle producers' option, if confirmed, I look forward to working with the agricultural community and other stakeholder groups on how to chart a path forward. I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies.

2. Pesticides are of critical importance to agriculture and enable a safe and reliable food supply. EPA's pesticide registration process is a long-standing, efficient process that has garnered bipartisan support regardless of administration for enabling responsible pesticide use. Managing this program effectively means ensuring that farmers and ranchers have the crop protection tools they need. How do you plan to manage this program and do you anticipate any major changes to the program?

Response: I believe it is possible to work with both the farming community and the environmental community to find common ground on protecting human health and the environment and supporting local agricultural economies.

If confirmed, I look forward to working with the agricultural community and other stakeholder groups on how best to manage EPA's pesticides programs.

Senator CARPER. Thank you very much for that statement, Michal.

Before I turn to Senator Capito for the first round of questions, we have something we do at each of our hearings with witnesses who have been nominated. I ask you three questions. After I ask the question, we will just go down the line and you can say yes or no. I would urge a “yes” response but it is up to you.

The first question is, do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate Members of the Congress, and to provide information subject to appropriate and necessary security protections with respect to your responsibilities? Do you, Ms. Estenoz?

Ms. ESTENOZ. Yes.

Senator CARPER. Ms. Fox?

Ms. FOX. Yes.

Senator CARPER. Dr. Freedhoff?

Ms. FREEDHOFF. Yes.

Senator CARPER. Thank you. So far so good. Second question, do you agree to ensure that testimony, briefings, documents and other electronic forms of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Ms. ESTENOZ. Yes.

Ms. FOX. Yes.

Ms. FREEDHOFF. Yes.

Senator CARPER. Thank you. One last one. Do you know of any matters which you may or may not have disclosed which may place you in a conflict of interest if you are confirmed?

Ms. ESTENOZ. No.

Ms. FOX. No.

Ms. FREEDHOFF. No.

Senator CARPER. Thank you. Senator Capito, we are going to have two 5-minute rounds in terms of questions. She needs to be in two places at one time right now and the Commerce Committee. Thank you very much for being here.

Senator CAPITO. Thank you, Mr. Chairman, for giving me the privilege of going first. I apologize, after I question them, I have to go over to Commerce. We are working on the Endless Frontiers Act which is—

Senator CARPER. Endless.

Senator CAPITO. Endless. That is a good way of putting it.

[Laughter.]

Senator CAPITO. I am going to start with you, Ms. Fox. We talked about this issue on Waters of the U.S. You have all pledged clarity, thoughtfulness and regulatory certainty.

Administrator Regan committed to not going back to the verbatim reading of the 2015 Obama Waters of the U.S. rule. This is a very far-reaching rule that impacts a lot of people and a lot of agriculture as well. But he hasn't provided much detail on this.

I am wondering, in your opinion, do you believe that the 2015 rule was overreaching? What would your plans be to ensure we do not return to that overreaching definition which I, obviously, believe that it was? Also, do you agree or disagree with the court decision, including the injunctions against the rule issued in 2015?

Ms. FOX. Thank you, Senator Capito, for the question. Also, thank you for the opportunity to visit with you recently on so many of the issues before the Office of Water. I really look forward to accomplishing great things with you and your office if confirmed.

On the question of Waters of the U.S., this is, of course, one of the most foundational components of the work before the Office of Water because it sets the foundation for how we protect our lakes, our rivers, our oceans, our wetlands. We are in the process of reviewing the Navigable Waters Protection Rule. Under Administrator Regan's direction, we are really trying to understand what are the lessons learned from an implementation perspective on both the 2015 rule and the 2020 rule.

You asked about how we are going to approach that review and that consideration. It will really be, as Administrator Regan has said, to listen to all sides to understand what is working, what is not working from an implementation perspective, from the agricultural community, from industry, from environmental organizations, as well as our co-regulators, the States and tribes. Based on that feedback, and really based on the science and the economic analysis, we will make a determination moving forward.

What I can say, Senator Capito, is that Administrator Regan and I want an enduring definition of Waters of the U.S., one that can withstand Administration changes, that can protect our waters and ensure the economic vitality of all communities. That is our commitment as we do this review.

Senator CAPITO. I would implore you again, as I think a lot of folks did who opposed the direction the Obama administration went, that we don't go down that path again. Obviously, the courts agreed with that presumption and caused a lot of confusion at the same time.

Ms. Estenoz, I wanted to ask you about NEPA. Just recently Secretary Haaland signed secretarial orders that directed the DOI to ignore and to not follow the commonsense reforms to the implementation of NEPA. We hear about this from everybody in terms of how long it takes to get things approved, how long the process is, how lengthy and expensive it is, and we still are having issues.

Did you play any role in advising the Secretary in the NEPA implementation decision? Are there elements of the Trump Administration's NEPA reforms that you could support? The first question is, did you play any role in them?

Ms. ESTENOZ. Thank you, Senator Capito.

I was not directly involved in the development of the NEPA recommendations, but as part of the DOI leadership team during these first 112 days, I have paid close attention. Obviously for the two bureaus that I have managing, this is a very important issue for them.

I think the Secretary's goal here is to make sure our environmental reviews are thorough but also timely and efficient. I think it is very important that balance be struck.

We are reviewing the procedures and policies the previous Administration had in place. The elements of it that work, I fully expect we will continue those and refine those that need to be refined to achieve the right balance between thoroughness and timeliness.

In my career, I have been on all sides of NEPA. So I have been a customer waiting for a NEPA to be finished and then I have been involved in the development of them. So I am sensitive to how long those analyses can take. But again, I think it is finding that right balance between making sure they are thorough. It is an important bedrock of the way that government implements programs and projects, and then doing it in a way that is efficient, transparent and accessible to the public and to sort of our customer base for projects and programs.

Senator CAPITO. As we look to the big Surface Transportation Bill that we are working on, that is obviously a critical aspect of this. I would encourage you to take that practical experience that you bring in terms of length and time, without skirting any environmental regulations, into consideration.

The new national park in West Virginia, since you will have oversight over the national parks, I wanted to get a reassurance, No. 1, that you would come and visit our brand new park, where he learned to fish with his father and grandfather. It is a really special place. So, a commitment that the new park will be able to get the infrastructure that is needed with the increase visitorship that we are already seeing.

Ms. ESTENOZ. Senator, let me say that I, my husband, and our two at the time very young children spent a magical summer vacation at New River Gorge, one of the most magnificent places in our Country. For a Florida girl, where we measure topography in inches, it was really a staggering and profoundly impactful experience for me. It is really one of my favorite places. You can count on me, if I am confirmed, to make sure that the National Park Service has what they need to make the most of that. I want to congratulate you and Senator Manchin on that.

Senator CAPITO. We will have to clip that and put that out around the Country. That is a great advertisement for our beautiful spot.

Last question, Dr. Freedhoff on the PFOS issue. You know this is something I am deeply committed to and you mentioned it in your opening statement.

Do you feel there is a scientific gap between the tools that EPA needs to decide whether or not to regulate? It seems like it has taken so long in some ways. Is that because there is a gap in tools and a gap of certifiable data that can be used to move forward?

Ms. FREEDHOFF. Thanks very much for that question, Senator.

I know how important the issue is to you and to so many members of the committee as well. I know there is sometimes a disconnect between the urgency that people expect the agency to be able to act with and the urgency that we actually act on.

Senator CAPITO. Right.

Ms. FREEDHOFF. Part of the reason for that are the research gaps that you are talking about. One of the provisions that was in this committee's PFOS legislation was language directing EPA's Office of Research and Development to come up with a way to prioritize PFOS so that the agency will be able to focus its research and monitoring efforts a little bit more strategically.

In my office, if I am confirmed, there are a few different efforts that we have been working on that will help complement that.

First is the Toxic Release Inventory language that you co-authored which will give us information about which PFOS are still being released into the environment.

Second is a proposed rule that is at OMB that will require manufacturers who make PFOS to tell us what they made, how much they made and what it was used for. That would give us a snapshot of what is in commerce. That will also be able to inform our research efforts, and monitoring and regulatory efforts as well.

Finally, just a couple weeks ago, we announced a policy that is designed to prevent unsafe new PFOS from entering commerce. That will prevent future problems that will cause us to play catch-up again as well.

Senator CAPITO. I appreciate that.

Thank you so much. I have to run.

Senator CARPER. Thanks for being here. We will see you later.

I will start my questioning with Ms. Fox. Ms. Fox, if confirmed, what will you do to make sure we have affordable, clean and safe drinking and wastewater for all Americans?

Ms. FOX. Thank you, Senator Carper.

First, I would make sure that the Office of Water is implementing the range of water infrastructure funding and financing programs that this committee has taken so much leadership on developing. I would also focus on strengthening and supporting the capacity of our States and our tribes, because they are often the ones that are working with local communities and getting these resources delivered.

I also think we have an opportunity to do more on affordability. I know this is an issue that is very important to you and other members of the committee, that as we make these infrastructure investments, we have to do them in a way that makes them continue to be affordable both to individual families, but also that there is affordability at the utility scale.

A third priority will really be around PFOS and emerging contaminants. I think as Michal just said, we have so much exciting work happening at EPA right now. I was really proud just a couple of weeks ago to be asked by Administrator Regan to co-chair a new PFOS Executive Council. I think that is going to be important as we think about making sure that water is clean for all families.

Senator CARPER. My second question is for Dr. Freedhoff. Dr. Freedhoff, first of all, let me say I am very pleased you received support from former EPA Administrators, both Democrat and Republican, who have led the Office of Chemical Safety and Pollution Prevention before you.

I would like to ask unanimous consent to enter into the record a letter from no less than seven former directors or administrators of the Office of Chemical Safety and Pollution Prevention urging your confirmation.

Not hearing any objection, so ordered.

[The referenced information follows:]

May 7, 2021

Senator Thomas Carper
Chairman
Committee on Environment and Public Works
U.S. Senate
Washington, D.C. 20510

Senator Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
U.S. Senate
Washington, D.C. 20510

Chairman Carper and Ranking Member Capito,

As former Assistant Administrators for the Office of Chemical Safety and Pollution Prevention (OCSPP) we are keenly aware of the importance of that office to the welfare of the citizens of the United States. Its success is critical to protecting the public health and environment as well as the economic well-being of the country. We are also familiar with the characteristics necessary to effectively lead this important office. A commitment to sound science, the rule of law, the importance of stakeholder engagement and transparency are all critical to leading this organization. President Biden's nominee for this position, Michal Freedhoff has demonstrated a commitment to these principles over a long career. She is a scientist – not a requirement for the job but certainly an added advantage in a very science-based office. She has strong policy experience, having served in both the House of Representatives for then Congressman Markey and in the Senate for Senator Markey. In her work on the Senate Environment and Public Works Committee, Michal continuously demonstrated that she has all of the characteristics that are required for a strong and effective leader of the OCSPP- a commitment to sound public policy, grounded in sound science, and the importance of hearing from all stakeholders.

Although we don't share the same political party and often have differing views on policy, we all share the same commitment to EPA and its broad mission to protect the environment and public health. We also share a commitment to effective leadership at EPA. In that regard, it is possible that the leadership of the Office of Chemical Safety and Pollution Prevention is among the most challenging positions at EPA, given the broad impacts of the decisions that are made on the environment, the public health and the economy. This is why we have come together to support Michal Freedhoff, a candidate we believe will be a successful leader for the Office of Chemical Safety and Pollution Prevention.

Sincerely,

Linda J. Fisher

Lynn R. Goldman

James Aidala

Stephen Johnson

James Gulliford

James Jones

Alexandra Dapolito Dunn

Senator CARPER. One area I am really interested in, and I suspect many of us are, in hearing from you on, and I suspect many of us are, is how EPA plans to implement TSCA, the Toxic Substances Control Act, to protect American workers. We have heard from environmental groups that they are unhappy with the way EPA assumed workers would always be wearing protective gear. We have heard from companies that they are unhappy that EPA made unrealistic assumptions about risks to workers.

With that in mind, would you tell us how you think the worker safety concerns should be addressed?

Ms. FREEDHOFF. Thanks very much for that question, Mr. Chairman.

I have heard a lot from environmental organizations and industry as well. As you know, the last Administration finalized the first ten risk evaluations under TSCA. I think there was a lot of good work that went into those risk evaluations but I think a lot of them were rushed as well. But I also know the career scientists at EPA really moved heaven and earth to get them done.

So I can't really speak to you as to why those decisions were made, but I can tell you a little bit about how I see the issue of worker safety and how I would implement it if confirmed. First of all, if our scientific risk evaluations find that a chemical burns your hand, but gloves solve that problem, then our chemical safety rule is just going to say you have to wear gloves.

It is the same for OSHA. If the chemical safety risk evaluation finds a risk we identified can be solved by complying with OSHA regulations, then our rule is just going to say follow OSHA rules.

The second thing I would say is that industry clearly feels like it has a lot of information that the agency needs to make our decisions. I have met with industry a number of times and I really want to say that I welcome their input. If they show us that something that they are currently doing to protect workers is enough to address the risk, then our rule is just going to say, keep on doing what you are doing.

The third thing I would say is I think the agency could do a better job with risk communication. The law tells us that we have to look at potentially exposed and susceptible subpopulations. Of course that includes workers.

But saying that a risk exists to workers in the absence of protections doesn't mean the protections are absent at chemical companies all over this Country. I think we will do better in the future to provide context that is important for everyone to understand in future.

Senator CARPER. My time has expired.

Senator Inhofe, you are next. According to my list, Senator Whitehouse is going to join us next by Webex. I see we have been joined by Senator Cramer. Senator Markey was here and he may come back. My guess is he will. We are looking for Senator Kelly and Senator Padilla as well.

Senator CARDIN. Senator Cardin is on Webex.

Senator CARPER. Senator Cardin on Webex. Good. Thank you.

Senator INHOFE. Thank you, Mr. Chairman.

I do have a question for each of the witnesses. I am been looking forward to this. I had a chance to visit with some.

Let's start with you, Ms. Fox. The WOTUS rule that was in place prior to the last Administration was one that we had a real concern with out in Oklahoma. That was primarily that we had the idea that the State regulation of the water was working very well in our State of Oklahoma.

There is a fear that with a regulation coming from Washington, that even out, we are a pretty arid State. If you get out in the panhandle of Oklahoma, it does not get a lot drier than that. They were saying they felt that under the Federal rules that would probably end up being a wetland and be over-regulated.

So I would just like to know the specifics on the rules that Trump replaced WOTUS with, what specific things about that do you find to be objectionable, if any?

Ms. Fox. Thank you for the question, Senator.

I think the example you just shared from your home State of Oklahoma is exactly why, if confirmed, I would really manage the Office of Water in a way that really tried to understand the wisdom, the voice and the lived practical experience of people in complying with our rules. I bring that orientation because I worked at a local water agency that had to comply with all of the things that the Office of Water did.

To your question specifically, as we have been conducting our review of both the 2015 rule and the 2020 rule, really at the direction of Administrator Regan, we have found implementation challenges with both of the rules. For example, with the 2015 rule, there were a lot of case-specific jurisdictional determinations. What we found from listening to folks in the States is that was really cumbersome from an implementation perspective. That is what our career staff have heard.

At the same time, I think the 2020 rule tried to correct for that. But now what we are hearing, our career staff are hearing from several States is, now we have the vast majority of waters in some of the States that are now not jurisdictional. So it is raising a different kind of implementation challenge as far as water quality protection.

Senator INHOFE. I don't mean to interrupt you but I know I have to get to all three of you. I appreciate your comments. Particularly your opening statement, I enjoyed that. I look forward to working with you. If you don't behave, I am going to talk to your Daddy.

I want to real quickly go to Ms. Estenoz on the Lesser Prairie Chicken. I know you are fully familiar with that. You and I had a chance to visit about that.

We are facing something right now in a Federal court in Texas about the threatened listing for the Prairie Chicken. The reason at that time they didn't think the conservation efforts were really impressive, were really considered at that time. We are talking about five States who are involved in this. You and I had a chance to talk about that.

I would just like to kind of get your input into how much weight are you going to put, attach to, the conservation efforts of the five States in terms of your jurisdiction?

Ms. ESTENOZ. Senator Inhofe, thank you so much. Thank you for the time you spent with me talking about this and other issues. I very much appreciate it.

We are under a court deadline to issue a 12-month finding near the end of the month. What I would say is that the conservation efforts of States and private landowners are central, really, to any hope we have for recovering species, before they are listed or whether they are listed or not, regardless of their conservation status.

You gave me good counsel yesterday to reach out and learn more about those conservation efforts. I have already taken steps in the last 24 hours to begin that dialog. I think that is really where the hope for the Lesser Prairie Chicken lies, in our collaborative efforts to recover that species.

Senator INHOFE. That is good. We will be visiting with you. I appreciate it very much. I have every reason to believe that you will take great consideration of the input that is out there.

Ms. ESTENOZ. Thank you, Senator.

Senator CARPER. Your time has expired but go ahead. We are going to have a second round as well.

Senator INHOFE. I have a picture here I want everyone to look at. I want the little girls here, Zahava and Rena, to listen to what I am saying. Your Mama probably is the only person in America that will have equal praise from Senator Markey and me. I say that in all honesty, because we have worked so well together.

In fact, we shared some credit. I have often said I felt that I was more responsible for getting Barbara Boxer to come with us on the chemical legislation and they all now are giving you that credit. So I am not sure, I think we shared that credit at that time. And I have always enjoyed working with you and certainly do.

I would like to have any comment you would make to update us as to what we are going to be doing with the Prairie Chicken. You and I both know all the background of that. I would like to see where you think we are going to be on that issue.

Senator CARPER. I would ask you to be very brief if you will, please.

Ms. FREEDHOFF. I am hoping that I don't have to talk about the Prairie Chicken for the entire 4 years that I spend in this position if I am confirmed.

[Laughter.]

Senator CARPER. That was very brief and to the point. I think she got her message across. That was lovely. I am glad you asked for the extra time. We will come back to you for a second round, Senator Inhofe.

Senator INHOFE. We will.

Senator CARPER. Senator Cardin is going to join us next by Webex, followed by Senator Cramer, Senator Whitehouse by Webex, Senator Lummis by Webex, Senator Markey, and Senator Kelly.

I have to go join a Finance Committee hearing for a little bit. Senator Kelly is good enough to take the gavel for me while I do that. Senator Kelly, I think Ben Cardin is up next.

Senator CARDIN. Thank you, Mr. Chairman.

Let me thank all of our witnesses. I have had a chance to meet with each of you. Thank you very much for your public service.

I would first ask unanimous consent to submit letters of support for Ms. Fox to be Assistant Administrator of Water from three

Maryland organizations: Waterkeepers Chesapeake, Moonshot Missions and South Easterners Royal Community Assistance Project.
Senator KELLY.
[Presiding] Without objection.
[The referenced information follows:]



P.O. Box 11075
Takoma Park, MD 20913
(800) 995-6755
www.waterkeeperschesapeake.org
CFC#: 31891

May 5, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Waterkeepers Chesapeake, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Waterkeepers Chesapeake is a coalition of seventeen Waterkeepers, Riverkeepers, and Coastkeepers working to make the waters of the Chesapeake and Coastal Bays swimmable and fishable. Our Chesapeake Waterkeepers are members of the Waterkeeper Alliance, a global movement uniting more than 350 Waterkeeper groups around the world, focusing citizen action on issues that affect our waterways, from pollution to climate change. The Waterkeeper movement patrols and protects over 2.75 million square miles of rivers, lakes, and coastlines in the Americas, Europe, Australia, Asia, and Africa.

Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

Waterkeepers Chesapeake believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on addressing climate impacts to water, CAFO pollution, and environmental justice issues in the Chesapeake watershed.

Sincerely,

Betsy Nicholas
Executive Director
Waterkeepers Chesapeake
betsy@waterkeeperschesapeake.org

Anacostia RIVERKEEPER®
Assateague COASTKEEPER®
Baltimore Harbor WATERKEEPER®
Chester RIVERKEEPER®
Choptank RIVERKEEPER®
Gunpowder RIVERKEEPER®

James RIVERKEEPER®
Lower Susquehanna RIVERKEEPER®
Middle Susquehanna RIVERKEEPER®
Miles-Wye RIVERKEEPER®
Patuxent RIVERKEEPER®
Potomac RIVERKEEPER®

Sassafras RIVERKEEPER®
Severn RIVERKEEPER®
Shenandoah RIVERKEEPER®
South, West & Rhode
RIVERKEEPER®
Upper Potomac RIVERKEEPER®



May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Moonshot Missions, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Moonshot Missions is a group of utility professionals that serve as trusted advisors to help water utilities in underserved communities identify and adopt strategies that can improve water services while helping the utility become more affordable and resilient. Sadly, we have found nearly countless numbers of communities that do not have access to clean water at the tap, or face risks from contaminated water in their local water bodies, or both. Our conviction is that we need to focus resolutely on improving this essential service for our neighbors facing these deplorable conditions, including some of the most egregious conditions on Indian Lands.

It is within this context that we count ourselves as unabashed supporters of Radhika Fox. Speaking personally, I have been in leadership positions in federal and local government, as well as the past Chief Executive of DC Water. From this vantage point, I can state that Radhika has been instrumental to the direction of water policy in the United States in profound ways.

- Radhika almost single-handedly elevated the importance of environmental justice and equity in the water sector as the Director of the US Water Alliance. Reports authored by the Alliance under her leadership have become seminal tracks on the history and consequence of water issues on underserved communities. Moonshot Missions has relied on the work of the US Water Alliance to inform and direct our work – which is a pattern followed by hundreds of organizations.
- Radhika’s influence is founded on her awareness of perspectives from the wide range of stakeholders important to the future of water in the United States. This perspective is founded on her more than a decade of work at the intersection of equity and infrastructure at PolicyLink, and then strengthened by her utility experience having worked at the San Francisco Public Utilities Commission. Through her leadership of the Value of Water Campaign at the US Water Alliance, she expanded relationships with an extraordinary diversity of interests – including small and rural communities, finance and private companies, environment, conservation and watershed groups, local government, and the arts.

- Overall, Radhika brings an unrivaled breadth of perspective, a collaborative nature, and a desire to make sure all stakeholders and voices have a seat at the table. She has relationships, respect, and trust across different water stakeholder groups.

Moonshot Missions believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her to ensure, in particular, that federal laws and efforts deliver access to clean and affordable water to small and underserved communities.

Sincerely,



George S. Hawkins
Founder and President, Moonshot Missions
Former CEO, DC Water

Senator CARDIN. Thank you very much.

Ms. Estenoz, if I could, we had a wonderful conversation and I appreciate your knowledge and sensitivity to the wildlife refuges that are located in the State of Maryland and your desire to fill critical positions, your knowledge of the National Park System in our State of Maryland and the request to expand the National Park System and your sensitivity to that, your understanding of the Chesapeake Bay and the importance it has to our entire region.

I am going to ask you a question we did not have a chance to talk about during our meeting, one I think is critically important in the theme of the Biden Administration in dealing with equity issues. One of the goals of the 2014 Chesapeake Watershed Agreement is to expand public access to the Bay and its tributaries through existing and new local, State and Federal parks, refuges, reserves, trails and partner sites.

Can you share with us how you would prioritize the accessibility of outdoor space and the equity issues and so many Americans today who would enjoy access but find it difficult if not impossible to gain access?

Ms. ESTENOZ. Senator, thank you so much. Again, thank you for the time you and your team spent with me this week. I appreciated that so much.

Expanding public access to nature and public lands is a top priority for the Administration, for the Secretary. If I am confirmed, it will be a top priority for me. We have spent a lot of time in the last 112 days talking about the programs we have and that we can leverage, existing programs that we can leverage to increase public access.

Our National Wildlife Refuge System is particularly promising in terms of its accessibility to underserved communities and the millions of Americans that live within a 60-minute drive, for example, of a National Wildlife Refuge and looking for opportunities to help those folks get out to our public lands.

The other very big opportunity we have is in the LWCF Program. On Monday, we just announced the Outdoor Recreation Legacy Competitive Grant Program of \$115 million. We are so grateful for the Congress' work to fully fund LWCF.

That program is specifically designed to help underserved communities, rural communities, and urban communities increase their access to parks and open space. It is one of the initiatives that I am the most excited about. If I am confirmed, it will be one of my top priorities.

Senator CARDIN. I look forward to working with you on those issues, because I think it is an area where we can make significant progress and get greater support for the programs of our national parks, refuges and just conservation.

Ms. Fox, I want to ask you one question. We had a chance also to talk about the resiliency and stabilization funds that were approved by the Senate, and the affordability issue. I want to just, if I might, talk about water affordability.

It is extremely challenging for the ratepayers to have to deal with what is necessary for clean, safe drinking water. Senator Wicker and I have put into the bill passed by the Senate a pilot

program on water affordability that would be implemented by the EPA. It would be a new program for you all to implement.

Can you just tell us your willingness to take on this responsibility if we get you the resources and authority?

Ms. FOX. Yes, thank you, Senator Cardin, for the question and for the opportunity to visit with you earlier this week.

Absolutely, if confirmed, water affordability would be a top priority for me. Senator Cardin, as we talked about earlier this week, I have a long track record of working on water affordability issues, because I really view affordability as the flip side of the coin of making infrastructure investments. What I saw working at a local water agency is we were always balancing affordability with the timing, phasing and sequencing of our infrastructure projects.

We would absolutely work at the EPA Office of Water to design and quickly implement the affordability pilot program that is in the Water Infrastructure bill that this committee led the development of. I would draw on my experience, having helped communities around the country in the design of their water affordability programs. One of the things that I did when I was at the U.S. Water Alliance was to establish something called the Water Equity Network working with over 20 cities around the Country on these very issues.

Finally, one of the things we have just started over the last month at the Office of Water is a Water Affordability Learning Exchange. What we are doing with that Learning Exchange is creating an informal, ad hoc mechanism for our team, the career leadership in the Office of Water, to regularly engage with equity and environmental justice organizations who are working on water affordability issues, the water associations that represent both rural and urban water utilities to really find lots and lots of common ground on water affordability.

So you would have my absolute commitment, Senator Cardin. Thank you for the question.

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

Senator INHOFE. Mr. Chairman, a point of clarification. In my haste to try to get everything done, I didn't get around to the real question I was going to talk to you about, Ms. Freedhoff. I will do that for the record, OK?

Ms. FREEDHOFF. Absolutely. Thank you.

Senator INHOFE. You bet.

Senator KELLY. Senator Cramer is recognized for 5 minutes.

Senator CRAMER. Thank you, Senator Kelly. Thank you to all of the witnesses for being here.

Ms. Estenoz, I am from North Dakota. We are a big prairie pothole State, potholes and prairies everywhere. One of the reasons we have so many potholes and so many wetlands is because unlike many of the other prairie pothole region States, our farmers did not drain when everyone else was draining. Consequently, they have been punished for their good behavior on a regular basis by I am sure well-intentioned bureaucrats over the years.

There are a number of programs, but one I have been the most frustrated with, that would be under your jurisdiction should be confirmed, of course, is the waterfall production areas. Those are

these pre-1976 that fathers and grandfathers and grandparents signed in difficult times with unclear maps and not very good definitions.

I brought an example of what I think has been a real abuse with the Fish and Wildlife Service. I have been very frustrated.

There has been some work done that is beneficial like new mapping. It has been very delayed but it is getting better. The old maps are like on a napkin or an envelope drawn with a pencil. I am only exaggerating slightly. Of course, we have better technology today.

But here is one of the frustrations I want to point to in this map. We have copies for you as well in case you don't get a good view of this. This is literally a picture of land I visited last year with the Director of the Fish and Wildlife Service. This is an area that has a water production area easement on it. One of the definitions for the easement from pre-1976, in some of the language of the grant easement, it says, "protects large bodies of surface water including lakes and ponds."

Now, I am not a hydrologist. But I am pretty sure I can see where the lakes and ponds are. Can you see where there are lakes and ponds on this? Those would be wetlands in the easement.

Now, here is the frustration. I am going to replace this picture with the map that came from the Fish and Wildlife Service identifying the wetlands for the easement contemporary. We are going to flip that up so we can get it in the right direction. In the upper right-hand corner is that same large lake. As you can see, it is not assessed any acres for the easement.

Now, why would that be? Well, the reason for that, in my view, is because there is a cap of acres for the easement. Whoever decided that wasn't a wetland decided this .15 spot down there is a wetland. This dry spot of .14 acres is a wetland. This dry spot of .49 acres is a wetland. All added up, so that the dry land can be considered water for the easement and not attribute any of the real water to the easement. This is called taking. It has been a legal fact in my view, by the Fish and Wildlife Service.

As I said, we have made some progress at least in the mapping side. And we think we have made some progress on the administrative side through an appeals process. Our farmers and landowners have gotten their new maps. Not all of them are done yet even though they were promised. This COVID thing happened and a lot of people did not work for a long time.

At the same time, their appeals have fallen on deaf ears. Not a single substantive appeal has been granted, not one, including this, especially one that got to the—not a single director's appeal. Now, I am talking about the previous Administration.

I am hopeful that you, if confirmed and the others in the Fish and Wildlife Service, the director, when that person is nominated and confirmed, will take the time to come out and hear frustrated farmers one more time who I will have to beg to get there because they have no faith that the government is going to look out for them.

This is what helps get the 12 percent conservation folks. We have not even talked about WOTUS. We will do that later. But this is where it gets to 12 percent, is taking a bunch of dry land and calling it a wetland and ignoring the wetland. To get to 30, people

would starve, because there wouldn't be enough cropland left. We have to take a realistic view of this. More important than that is the fact that farmers own this land. This is their land that is being taken.

I know I have been out of commission for a couple weeks. I hope that you and I can get to know each other better. I would love to bring you up to speed on all this and would love to hear more.

Ms. ESTENOZ. Senator, if I may, thank you for this. I do look forward to us getting to know one another and for the opportunity to dig into this issue.

I do know and I am pleased to hear that you consider it to be a step in the right direction, that there is an appeals process that appears to be something that is working for the Fish and Wildlife Service. I think that is good.

I obviously need to dig deeper and fully understand the parameters of how we are delineating what is a wetland. I have a lot of experience in wetlands being where I am from in south Florida. It is an area of both the law and science I am familiar with.

I thank you for the images. This is very helpful. If I am confirmed, I pledge that I will be in close contact with you. If I heard an invitation to come out to North Dakota, I would very much like to take you up on that.

Senator CRAMER. But they are skating rinks in February, so we have to pick the time. It is very important when you come to North Dakota.

With that, Mr. Chairman, there was a letter written to the Acting Director from a number of organizations from North Dakota. If you have not received it, we will make sure you get it. I would ask unanimous consent to place it into the record. Thank you.

[The referenced information follows:]

March 10, 2021

Director Martha Williams
U.S. Fish and Wildlife Service
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

SENT VIA U.S. MAIL

Re: Fish and Wildlife Service Pre-1976 Easement Map Appeals Process

Dear Director Williams:

The North Dakota Soybean Growers Association, North Dakota Corn Growers Association, North Dakota Grain Growers Association, and North Dakota Canola Growers Association (collectively, the "Associations") write this letter on behalf of their members to provide you and your office with information regarding the United States Fish and Wildlife (FWS) easement map appeals process that was established by the Department of Interior's December 23, 2019 Memorandum entitled *Template for a Revised Format for Pre-1976 Wetland Easement Maps* ("Mapping Memo"). Members and representatives of the Associations were present at the October 2019 roundtable discussion with Secretary David Bernhardt in Hope, North Dakota, which precipitated the issuance of the December 23, 2019 Memorandum, and also at the August 2020 field visit and roundtable discussion with your predecessor, Director Aurelia Skipwith, in Devils Lake, North Dakota. Many members, producers and landowners of the Associations have received new maps pursuant to this Memorandum and have appealed the maps. On behalf of our members, we appreciate the FWS's efforts in allowing landowners to have input in the FWS's mapping process; however, we have some serious concerns with the initial maps that have been sent to landowners and with the FWS's handling of the appeals process.

To summarize, here are the key concerns the Associations have:

- Most easement maps landowners have received erroneously map areas that do not have existing or recurring surface water and marsh vegetation (as is specifically protected by the express terms of the easement contract). Some of the easement maps also do not map wetland areas that are clearly inundated and have marsh vegetation in order to map other areas where the evidence of inundation and marsh vegetation is inconclusive. The "cherry picking" of inconclusive areas on an easement property sought for protection while ignoring other areas that obviously meet the terms of the easement contract jeopardizes the credibility of the FWS's maps and exposes the FWS to disputes with landowners that the 2019 Mapping Memo sought to avoid.
- The majority of photos the FWS utilizes to create the easement maps are taken decades after the easement was conveyed, which do not accurately reflect the areas the contracting parties

March 10, 2021

Page 2

knew and intended the terms of the easement to protect, and the FWS frequently maps areas as being protected that were not wet prior to the easement conveyance and only appear wet on more recent aerial images.

- The FWS does not seem to follow any established or peer-reviewed, science-based methodology for creating easement maps that reflect the generally understood meaning of the contract terms or for reviewing landowners' objections to the maps. The evidence relied upon by the FWS in support of its decision is not being cited or provided to landowners in response to the map objections. Responses to objections through the appeal process have been conclusory without providing the FWS's analysis or citing to evidence.
- The acreage of wetland areas mapped by the FWS still sometimes exceed the wetland acres listed in the summary record, which is unpolemically prohibited by case law.
- The new easement maps do not include the data sources that the FWS used to map individual wetland areas it believes are protected by the easement.
- Certain instructions in the 2016 Prairie Pothole Region Easement Manual are inconsistent with controlling case law. Disappointingly, other instructions discourage FWS employees from being forthcoming and truthful with landowners during easement enforcement discussions.
- The FWS has repeatedly represented that it has no authority to reduce or remove the areas it mapped or otherwise negotiate such areas if the mapped acreage is at or below the summary acreage.
- On several occasions, local refuge managers and the regional director have denied appeals based on the landowners' late submission after the deadlines noted in the Dec. 23, 2019 Memorandum and the revised May 5, 2020 Memorandum, but have themselves not issued decisions within the time noted in the Memorandums.
- Our members have reported that the regional directors' office and your office largely defer the refuge manager's decision on a landowner's initial objection and do not give appeals a complete, independent review.
- The regional director has, on at least on one occasion, re-added areas to the easement map that the local refuge manager had previously removed and which the landowner did not appeal.

1) Mapping areas without evidence of surface water and marsh vegetation; not mapping areas with clear evidence of surface water and marsh vegetation

The vast majority of new maps landowners have received map certain areas that do not have surface water and marsh vegetation, as is protected by the contractual language of the easement. Specifically, the terms of the easement prohibit the "draining or permitting the draining, through the transfer of appurtenant water rights or otherwise, of any surface water...now existing or recurring due to natural causes on the above-described tract by ditching or any other means; ...filling in with earth or

March 10, 2021

Page 3

any other material or leveling any part or portion of the above-described tract on which surface water or marsh vegetation is now existing or hereafter recurs due to natural causes; and ...burning any areas covered with marsh vegetation.” The easement gives examples of naturally existing and recurring surface water as “including lakes, ponds, marshes, sloughs, swales, swamps, or potholes[.]”

Most of the new maps landowners have received depict at least one area, sometimes numerous areas, that do not, and have never had surface water or marsh vegetation. In such instances, the landowner must object to the maps in order to hopefully correct the areas erroneously mapped. Some refuge managers create a “mapping resource confirmation chart” when reviewing the landowner’s objections to specific areas. This chart shows the years of aerial imagery that the refuge manager allegedly found evidence that an area was a wetland. In areas that refuge managers have agreed to remove, the refuge manager typically did not find any evidence that the area was a wetland on any aerial imagery. This indicates that such areas should have never been included on the initial map sent to the landowner. It is extremely frustrating to landowners, who expend their own time and resources to submit objections to the refuge manager, to hopefully correct the mapping of such areas, when even according to the FWS’s interpretation of aerial imagery, such areas show no evidence of surface water and marsh vegetation.

It has also become evident to us that FWS prefers to map many small areas across a property as being protected by the easement, even if such areas have very weak or no evidence of inundation and marsh vegetation, in lieu of mapping the larger areas with permanent surface water and hydrophytic vegetation. Refuge managers and the regional director have repeatedly told landowners that smaller areas are more beneficial for breeding waterfowl. We do not dispute that smaller areas may be more beneficial for waterfowl; however, the terms of the easement do not indicate a preference for protecting smaller areas. In fact, the terms of the easement specifically, and in sequence, protect large bodies of water like “lakes” and “ponds.”

On several easement maps, the FWS simply ignores and does not map lakes, ponds and other areas with obvious year-round surface water and marsh vegetation as being protected by the easement. We believe these areas with conclusive evidence of surface water and marsh vegetation fit the contractual language of the easement, are exactly the areas that the grantor-landowners understood they were conveying to the FWS, should be included as protected on the map, and should be given priority over the smaller areas with less-conclusive evidence of surface water and marsh vegetation. While very few of the original landowner-grantors are still alive, the grantors that are alive and our members that have spoken directly with landowners who conveyed these pre-1976 easements all agree and understood that the big sloughs, wetlands, ponds and lakes with permanent, year-round surface water and marsh vegetation were protected by the easement, not the smaller areas that are only briefly wet and are frequently able to be cropped during the times of the year that they should, if covered by the terms of the easement, be most likely to possess recurring surface water.

2) Aerial images taken after the easement conveyance do not accurately reflect the areas that the contracting parties knew and intended the terms of the easement to protect.

Although pre-1976 Migratory Bird Hunting Stamp Act easements do not have a contemporaneous, agreed-upon map between the grantor and the FWS showing the specific areas protected by the easement, statutes and case law are absolutely clear that “[t]he extent of a servitude is determined by the terms of the grant,” N.D.C.C. § 47-05-07, SDCL § 43-13-5, and thus the key inquiry when interpreting contracts that convey an interest in real property “is to ascertain and effectuate intent

March 10, 2021

Page 4

of the grantor.” *U.S. v. Johansen*, 93 F.3d 459, 463 (8th Cir. 1996) (citing *Malloy v. Boettcher*, 334 N.W.2d 8, 9 (N.D. 1983)); see also *State by Washington Wildlife Pres., Inc. v. State*, 329 N.W.2d 543, 546 (Minn. 1983) (citing *Highway 7 Embers, Inc. v. Northwestern National Bank*, 256 N.W.2d 271 (Minn.1977)).

For multiple decades, the FWS’s prevailing position was that landowners could not do any draining, burning or filling on the entire parcel of land subject to the easement. *U.S. v. Johansen* rejected the FWS’s position and found that restrictions contained in the easements only apply to wetland areas existing on the property at the time of conveyance, not to fluctuating, after-expanded or after-developed wetland areas, and are also limited, at a maximum, to the number of wetland acres listed on the FWS’s easement summary sheet. 93 F.3d at 465-66 (citing *North Dakota v. U.S.*, 460 U.S. 300 (1983)).

We understand that the FWS consults “all available aerial imagery” at the time of mapping to determine the areas it believes are protected by the easement. Most of the photos that the FWS uses are taken decades after the easement conveyance. Refuge managers and the regional director have repeatedly acknowledged that certain areas mapped by the FWS do not appear or were smaller on historic photos taken prior to the easement conveyance, but have since appeared or increased in size on more recent aerial images.

We believe the agency’s use of photos taken after the easement’s conveyance to determine the protected areas is improper because the contracting parties could not have known that certain areas would appear wet only in a limited number of years much further into the future and thus could not have intended or agreed that the easement would protect these after-occurring or after-expanded areas. Our members believe the FWS should follow a practical, common-sense approach to mapping pre-1976 easements by only reviewing aerial images predating and concurrent with the easement conveyance to determine the areas with naturally existing and recurring surface water and marsh vegetation. We believe this mapping procedure required by the applicable and binding legal authority and results in a more accurate depiction of what the contracting parties and our members understood the terms of the easement to protect.

3) The FWS does not seem to follow any consistent, science-based methodology for creating easement maps or for reviewing landowners’ objections to the maps.

It has become apparent throughout the appeals process that the FWS does not use any established, consistent, peer-reviewed, scientific methodology for determining the areas that meet the easement terms or for reviewing landowners’ objections to the maps. From our members’ conversations with refuge managers and regional directors, we understand the easement maps are created by mapping technicians who review a number of years of aerial imagery and draw polygons around areas that appear to have a difference in color or pattern. The FWS does not have a set standard on the number of years or frequency in which an area must show wetland evidence in order for it to be mapped as an area protected by the easement. Regional Director Noreen Walsh discussed with some members that an area must show evidence that it is a wetland on at least two aerial images in order for it to appear on the easement map, but then later changed her position and has stated that even a singular year can be conclusive evidence for the FWS. The FWS also does not follow a set standard for determining the duration that hydrology must be present in order for an area to be protected by the easement. Ms. Walsh has discussed that areas must be wet for approximately two weeks in order to be protected (similar NRCS wetland delineation criteria), but later reversed and said that areas with

March 10, 2021

Page 5

surface water for any duration of time could be protected by the easement. Other than generally seeing a change in pattern or color on aerial photos, which could indicate a potential change in vegetation or hydrology, the FWS typically does not verify or conduct a site visit to confirm whether areas in question actually have surface water and marsh vegetation in accordance with the terms of the easement.

In comparison with other federal and state agencies, the FWS is very much an outlier in the fact that it does not follow any consistent procedure or scientific methodology to determine the areas protected by its easements. Other federal agencies, like the Natural Resources Conservation Service, the Army Corps of Engineers and the Environmental Protection Agency, that are charged with administering laws that protect water and/or wetlands follow very precise criteria and procedures for determining whether an area in question is under their regulatory jurisdiction. All three of these agencies, as well as other state agencies, utilize the 1985 Army Corps of Engineers Wetland Delineation Manual and its regional supplements for determining the presence and existence of wetlands. The Army Corps of Engineers Wetland Delineation Manual is a well-established and widely accepted method of delineating wetlands.

The Army Corps of Engineers Manual and regional supplements require highly specific evidence and thorough findings to confirm whether a site in question is a wetland in accordance with three requisite criteria—hydrology, hydrophytic vegetation and hydric soils. *See e.g. Foster v. Vilsack*, 820 F.3d 330, 334-35 (8th Cir. 2016) (discussing the ten signatures NRCS must rely on to determine whether a site has the necessary hydrology on the requisite number of aerial images taken during normal rainfall, the use of soil maps to determine whether a site has hydric soils, and the use of unaltered comparison sites to determine whether a site has a prevalence of hydrophytic vegetation); *Barthel v. U.S. Dept of Agric.*, 181 F.3d 934, 937 (8th Cir. 1999) (holding, consistent with the wetland delineation procedures in the National Food Security Act Manual, that best drained conditions of any prior-existing drainage must be considered); *see also Boucher v. United States Dept of Agric.*, 934 F.3d 530, 535-42 (7th Cir. 2019) (discussing each of the three requisite wetland criteria—hydric soils, hydrology, and hydrophytic vegetation—and finding the agency's determination that certain sites were converted wetlands was arbitrary and capricious because the agency failed to make proper findings on each of the three criteria and improperly conducted a site visit after a rainfall event during a period of unusually high precipitation, among other errors).

The majority of the Associations' members are enrolled in the farm program and therefore cannot convert wetlands or highly erodible land for the production of agricultural commodities in order to remain eligible for farm program benefits. Members are very familiar with NRCS's procedures for determining highly erodible lands and wetlands. When NRCS conducts a wetland determination on a property, the technical consultant must fill out a wetland determination data sheet for each sampling unit. The wetland determination data sheet breaks down the three wetland criteria—hydric soils, hydrology and hydrophytic vegetation—and lists the steps and information that the technical consultant must ascertain with respect to each sampling unit. While producers may not always agree with the NRCS's wetland determinations, the wetland determination data sheets show the exact procedure the technical consultant followed and the exact information the technical consultant found with respect to each sampling unit. Having the wetland determination data sheets is very helpful to producers, so that way they can verify whether the proper procedure and protocols were followed and, if needed, fix any incorrect information or have an independent consultant review the information and ensure it is correct. This transparent process builds landowner confidence in the decisions of the USDA-NRCS that is lacking in the decision of the FWS.

March 10, 2021

Page 6

In contrast, the FWS's mapping process, and likewise the appeals process, do not appear to follow any consistent, identifiable, and science-based procedure when creating the initial easement maps or when reviewing landowners' objections to the maps. As mentioned above, some refuge managers create a "mapping resource confirmation chart" when reviewing a landowner's objections. Not all refuge managers create such charts, however, and, even those that have, do not do so on all easements. The chart also only shows a small glimpse of information—the years of aerial imagery that the refuge manager claims to have confirmation that an area was a wetland—in comparison with NRCS wetland determination data sheets that show very detailed information with respect to each of the three requisite wetland criteria. In reality, and as our members have discovered in this administrative appeals process, each mapping technician, each refuge manager and each regional director take a different and often highly varied approach to determining areas protected by pre-1976 easements and to reviewing landowner objections to the easement maps.

We understand that easements are contractually created property interests and thus the terms of the easement ultimately control. However, we encourage the FWS adopt and follow specific, science-based procedures and protocols, like those in the Army Corps of Engineers Wetland Delineation Manual, that are widely utilized by other government agencies in order to improve consistency, uniformity and objectivity in the FWS's creation of pre-1976 easement maps and in its review of landowners' objections to the maps.

4) The mapped acreage still sometimes exceeds the summary acreage, and the FWS does not seem to follow an established methodology for eliminating certain wetlands in order to meet the summary acreage.

Despite the holding in *Johansen* limiting the areas protected by pre-1976 easements to, at a maximum, the number of wetland acres the FWS noted in its summary record, some of the Associations' members have still received maps that exceed the summary acreage. When objected to, refuge managers have generally been agreeable to adjusting the size of certain wetland areas or removing some areas to meet the summary acreage, but it is unfortunate that landowners even have to object to it in the first place.

Issues have also arisen where the acreage of the wetland areas on the paper map sent to the landowner by certified mail is at or below the summary acreage, but the FWS's GIS shapefiles for the wetland areas exceed the summary acreage. Most of our producer-members utilize GPS-based applications for farming. It is especially concerning for them that FWS's shapefiles do not necessarily match the printed, paper maps, and, in some cases, the shapefiles increase the size of the protected areas and/or include areas that are not on the paper maps. Refuge managers have generally been agreeable to correcting the shapefiles, but, again, it is unfortunate that landowners have bring this issue to FWS's attention in the first place.

As previously discussed, there does not appear to be any scientific methodology or other repeatable, consistent procedure that the FWS follows when creating the initial easement map or when reviewing landowners' objections to the map. The same is true in situations where both the FWS and the landowner agree that the acreage of areas with surface water and marsh vegetation on the property exceeds the summary acreage. Refuge managers and regional directors have represented that they follow the procedures in the Manual for eliminating wetland areas when the summary acreage is exceeded. The Manual specifically states that the agency's first priority is to remove areas

March 10, 2021

Page 7

with inconclusive signatures or with signatures that do not show up well on aerial photos taken close in time to the easement's acquisition, which is exactly what our members believe should be prioritized. The FWS has, however, removed certain areas with clear indication of surface water and marsh vegetation, while keeping other areas with very faint or no wetland signatures. To the extent the Manual may be applicable, it does not seem like the FWS is following it, and we cannot discern that the FWS is following any other particular or consistent procedure for removing the areas it does.

5) The new easement maps do not include the data sources that FWS used to map the individual wetland areas it believes are protected by the easement.

The Dec. 23, 2019 Memorandum requires the FWS to “[l]ist the map data sources.” The new maps landowners have received only contain reference to the date and source of the imagery that the map is overlaid on and the BLM public land survey system, which is the data source for the legal boundaries of the property encumbered by the easement. The individual data sources and imagery the FWS used to map the protected areas are not included in the new maps, nor are the individual slides created by the mapping technician that are compiled to create the final map. Refuge managers have informed our members that the agency does not believe the Dec. 23, 2019 Memorandum requires it to provide the data sources it used to create the final map sent to landowners. We disagree with the agency's position on this. The purpose of the Dec. 23, 2019 memorandum is to provide more clarity and transparency in FWS's mapping process, and we interpret it as requiring the agency to provide all aerial photos, maps, and other data sources that it used to map the individual wetland areas it believes are protected by the easement.

6) Certain instructions in the FWS's 2016 Prairie Pothole Region Easement Manual are inconsistent with case law and discourage FWS employees to be forthcoming with landowners.

We understand that the FWS follows the instructions and procedures in the 2016 Prairie Pothole Region Easement Manual (the “Manual”) when mapping pre-1976 wetland easements. Refuge Manager Matt Sprenger sent some of our members a copy of the Manual earlier in 2020. Until Mr. Sprenger mentioned this Manual, our members did not have any knowledge that it existed or that FWS used it for mapping and enforcing easements. We believe the agency's use of the Manual to determine the areas it believes are protected by the easement is improper because, as a matter of contract law, the Manual is not a part of or incorporated by reference in the easement agreement with the landowner (nor could it have been, as the Manual was created decades after these pre-76 easements were conveyed).

In addition, even if the Manual is applicable, the Manual contains instructions that are inconsistent with case law and with the specific contractual language of the easement agreement, which our members have objected to throughout the appeals process. Without stating all of these inconsistencies, we give as an example the following on page 89-90 of the Manual:

“The U.S. Attorney's February 4, 1998 letter to Judge Webb emphasizes this point in notation #2, second paragraph: The Eighth Circuit has always recognized the inherent expansion and contraction of prairie potholes. ...There is no requirement anywhere that a pothole have water in it when the easement is acquired. Wetlands are defined by many factors other than the presence or absence of standing water on a particular day. Most North Dakota potholes are essentially dry by fall in a normal year.”

March 10, 2021

Page 8

The U.S. Attorney's letter to Judge Webb is simply not the law and has no legal binding authority. The Eighth Circuit in *Johansen* specifically rejected the government's interpretation of after-expanded or "future wetlands" and "easement restrictions [] fluctuat[ing] with the amount of rainfall." 93 F.3d at 466. The Eighth Circuit explained that such an interpretation is inconsistent with "traditional norms of real property conveyance," which "require[e] definiteness" and also inconsistent with FWS's notation of the wetland acres in its easement summary record and "the gubernatorial-consent component of the program's authorizing statute." *Id.* The Eighth Circuit therefore found that the easements only protect "identifiable, covered wetlands *as existing at the time of the easement's conveyance* and described in the easement summary." *Id.* at 467.

The Manual also provides the following on page 93:

"The mapping technician will prepare a wetland map of all naturally-occurring wetland basins utilizing all off-site mapping tools available (Exhibit XI-5). The map will include those basins which have historically been present over time; i.e., present on historical aerial photos. The mapper will use all wetland photographic signatures to help determine the presence or absence of wetlands basins. Wetland indicators may include hydrophytic vegetation, surface water, saturated conditions, mud flats, flooded or drowned-out crops, unharvested crops, isolated areas that are not farmed with the rest of the field, areas of greener vegetation (especially during dry years), mature upland tree rings, and recurring cropping patterns that avoid wet areas."

The contractual language of the easement does not cover "basins," "saturated conditions," "mud flats," "flooded or drowned-out crops," "unharvested crops," "isolated areas that are not farmed," "areas of greener vegetation," "mature upland tree rings," or "recurring cropping patterns." The easement protects areas with "surface water" (i.e., inundated areas with water at or above the surface of the ground) and "marsh vegetation" (hydrophytic vegetation) that is "now existing" (existing at the time the easement was conveyed) or "reoccurring" (it occurred and reoccurred prior to when the easement was conveyed; reoccurring is commonly known to mean occurring and then occurring again periodically or repeatedly over time) "due to natural causes" (due to normal precipitation and not due to artificial or manmade drainage or other manipulation of the landscape). Pursuant to the terms of the easement, we do not believe the above-quoted mapping instructions in the Manual accurately leads to identifying areas that the contracting parties intended and agreed to be protected by the easement.

Finally, we would like to mention that certain instructions in the Manual, while not applicable to the administrative mapping appeals process, show the agency's lack of transparency and forthrightness with landowners. The instruction below on page XIII-2,3 of the Manual pertains to the enforcement process of suspected easement violations and directs field officers to do the following when meeting with landowners that are suspected of violating an easement:

Do not take the entire easement file into the actual contact. Take only the information necessary to conduct the interview leaving the file itself in the vehicle. During the interview, do not show the individual the contents of the easement file. Sometimes, it is advisable to show the subject some of the evidence photos, the contract, and field sketches. By doing this, the subject may be convinced that he is unlikely to win in court. Closely control how much of the file the subject is allowed to see. If the subject requests to see the entire file, explain that the file is not available at that time. An appointment may be made to have the file reviewed at a later time at the Wetland

March 10, 2021

Page 9

Management District office.

If, at any point during the conversation, issues arise that may weaken or destroy the case, advise the subject that additional investigative work will be conducted and he will be re-contacted upon completion of the investigation. Take the time to make a solid case. Contact the Regional Easement Coordinator and/or a ZLEO before making any demands.

Although the above does not relate directly to the mapping process, it certainly indicates a culture where open and full information sharing is discouraged, and, unfortunately, exemplifies the difficulties many of our members and other landowners have experienced with the FWS over the years and throughout this mapping and appeals process.

7) The FWS has represented that it has no authority to reduce or remove mapped areas if the mapped acreage is at or below the summary acreage.

Our members understand through discussions and decision letters from the refuge managers, regional directors, and your office that the FWS's position is that "mapped areas maintain the full extent of the property interest acquired by the United States" and thus any further modification to the FWS's easement maps is discouraged if the mapped acreage is at or below the number of acres noted on the easement summary sheet.

As an initial matter, we understand the easement summary sheet was created by the FWS alone for administrative purposes. The easement summary sheet is not a part of, incorporated by reference, or otherwise mentioned in the easement agreement with the landowner. There is no evidence that the conveying landowner had any knowledge of the easement summary sheet, nor the number of wetland acres the FWS recorded thereon as apparently paying the landowner for. There is no evidence that the conveying landowner was subsequently provided a copy of the easement summary sheet either. Still further, there is no court decision that unequivocally allows the FWS to protect the number of wetland acres it recorded on its easement summary sheet. The Eighth Circuit in *U.S. v. Johansen* limited the FWS to, at maximum, the wetland acres it listed on the easement summary sheet. The Court affirmed that the FWS must first prove, however, that the acreage of wetland areas *as existing at the time of the easement's conveyance* meets or exceeds the summary acreage in order to protect the total number of wetland acres on the easement summary sheet.

In addition, there are many easements in which the number of wetland acres mapped by the FWS is drastically different from the number of acres listed on the easement summary sheet. This shows that the number of wetland acres on the easement summary does not correspond with and is not indicative of the actual number of acres that exist on the property or that the landowner-grantor knew and intended the United States to acquire interest to.

Still further, our members believe, as matter of contract law, that the landowner and the FWS should be able to go back to the drawing table so-to-speak and negotiate and agree-upon the protected areas, especially in situations where both parties agree the acreage of areas with surface water and marsh vegetation exceeds the number of wetland acres FWS noted in the summary record. The fact that refuge managers, regional directors, and even your office suggest that you do not have authority to negotiate the protected areas seems counterproductive to the mapping and appeals process in the Dec. 23rd Memorandum and leaves landowners no option but to appeal to district court. We therefore

March 10, 2021

Page 10

disagree that the FWS has no duty, obligation or ability to revise its easement maps simply because the acreage of wetlands it mapped is at or below the number of wetland acres listed on the easement summary sheet.

8) The FWS has denied appeals based on the landowners' late submission, but has itself repeatedly failed to issue decisions within the time noted in the Memorandums.

At the outset of this map appeals process in the Spring of 2020, there seemed to be good rapport and professional courtesy between landowners and the FWS about agreeing to extend deadlines set forth in the Dec. 23, 2019 memorandum and your revised May 5, 2020 Memorandum if needed, whether due to COVID-related matters, clerical error, or simple human error. Our members have been understanding on a number of occasions when the local refuge managers', the regional directors' and your decisions were issued past the established deadlines. On some more recent appeals, however, local refuge managers and regional directors have denied landowners' objections and appeals for being late, even when the landowners had good reason why they were past the deadline and submitted their objections as soon as possible. We are cognizant and appreciative of the deadlines that your office and the Department of Interior established for this mapping appeals process. However, we hope as a matter of professional courtesy, and especially during planting and harvest season and with ever-changing circumstances and restrictions related to the COVID-19 pandemic, that the FWS is willing to grant landowners some grace with their good-faith efforts to comply with the administrative appeal deadlines.

9) The regional directors' office and your office largely seem to be deferring to the refuge managers' decisions on landowners' initial objections and do not give appeals a complete, independent review.

The Associations' members have concerns with the manner in which appeals have been processed. Regional directors confirmed in several letters and in conversations that they did not review a landowner's appeal independent of the refuge manager's decision. Instead, the appeal was referred back down to the refuge management level, where the refuge manager reviewed his previous determination on the landowner's objections. Our understanding of the Department of Interior's Dec. 23, 2019 Memorandum is that appeals sent to the regional director, and likewise to you, are to be independently considered and reviewed (e.g., the Memorandum states that the "[t]he Regional Director will review and make a decision on your appeal . . ." and "[t]he Director of the U.S. Fish and Wildlife Service will review and make a decision on your appeal . . ."). Although it seems like more recent appeals are now being reviewed by independent persons at the regional director and director level, we want to ensure and verify that all appeals are afforded the due process guaranteed in the Dec. 23, 2019 Memorandum and that the regional director's office and your office do a complete and independent review, irrespective of the previous decisions made by the refuge manager and/or the regional director.

10) Areas removed by the refuge manager have been added back on the easement map by the regional director.

Finally, on at least one occasion that the Associations are aware of, the regional director re-added an area back on an easement map that was previously removed by the local refuge manager. In this instance, the landowner submitted initial objections to the refuge manager asserting that one area on the easement map should be removed and disagreeing with the sizing of other areas on the map.

March 10, 2021

Page 11

The refuge manager agreed that the one area should be removed and issued a revised map for the easement. The landowner appealed to the regional director on the basis that the size of the wetland areas on the revised map was inaccurate. The regional director determined that the refuge manager made an error in removing the one area previously mapped and re-added it back on the easement map. We believe this was highly improper from a procedural standpoint as the landowner did not object to the refuge manager's decision to remove this area; the landowner's appeal was based solely on the sizing of wetland areas on the revised easement map.

On behalf of the Associations' members, we appreciate the Service's efforts thus far in carrying out the easement map appeals process established by the Dec. 23, 2019 Memorandum. We ask that the new administration continue this mapping process as it has helped to provide clarity and certainty to landowners with pre-1976 easements about the exact areas the easements protect. However, we want to make sure your office is aware of the above issues and errors the previous administration made when creating these maps and evaluating landowner appeals. If the above issues are not addressed and improvements are not made, then there will, unfortunately, continue to be discord and distrust between landowners and the mission of the Service. We anticipate and hope that the information in this letter assists you in your effort to address these matters and improve the relationship between the FWS and landowners going forward.

Please do not hesitate to contact us if you have any questions or would like any additional information. Thank you.

Sincerely,

North Dakota Soybean Growers Association

North Dakota Corn Growers Association

North Dakota Grain Growers Association

North Dakota Canola Growers Association

Senator KELLY. Thank you, Senator.

Joining via Webex is Senator Whitehouse, who is recognized for 5 minutes.

Senator WHITEHOUSE. Thank you, Chairman Kelly.

First, let me welcome Ms. Estenoz, Ms. Fox and Dr. Freedhoff. It is great to have you here in the committee with us even if we are just here electronically.

For Ms. Fox and Dr. Freedhoff, I want to ask about the problem of science in the last Administration which was routinely ignored and even disparaged. That was done on a repeated, consistent, systematic basis. I think any notion that this was a coincidence or a fluke is living in a dream world.

I know that Administrator Regan has pledged to take a look at all of that disparagement and violation of science. In the conversation we had, it was clear to me he was going to look at who, what, where, and when, but not at why things went wrong.

I would encourage you, if you are confirmed, to make sure you are answering the question of why. Because if this was systematic, we need to know who was behind it.

When January 6th happened, I pushed very hard on the Department of Justice to make sure they were not just challenging the people who came through the windows and doors of the Capitol but looking upstream to who might have been behind it, who might have been organizers or funders. I think you need to have the same conversation with your employees.

My question to you is going to be one for the record because I want you to have the chance to sit down and answer it fully, and not under the pressure of my 5-minute limit.

That is, what is going to happen when people come forward to disclose things that were done wrong at EPA in the past? Are they going to be told, we are not interested, go away, we are looking forward, not backward? Are they going to be told we are not really interested, but why don't you go down to that overworked inspector general? Maybe they will take an interest there.

Are they going to be told, look, this really damaged an important agency. We are taking this seriously, and here is our system for dealing with your concerns. Here is who is going to hear you out, here is how we are going to coordinate the different stories we are hearing. Here is what our response plan is to the predicament we have been left with.

I hope you can all answer that. I would appreciate very much if you gave that some time and attention and answer those questions for the record.

Ms. Estenoz, welcome. I am delighted that you are here. I hope we can bring you up to Rhode Island to visit the park that is going in along the Blackstone River. It is a slightly unusual park because it is made up of lots of old historic mills and parts of the early industrial revolution which were joined together for power by the Blackstone River.

Now, it is very unusually—it does not have borders like a lot of parks. It is like jewels strung along the string of the Blackstone River. I hope very much that you will come and see it and help us turn that into the facility that it really should be. It has just gotten started.

I want to talk generally with you and put a flag up about the problem of waters and coasts being overlooked. I am thrilled that you are from the Everglades, so you know what a coast is. You know what salt water is. I think that is great.

The Land and Water Conservation Fund, I have complained about for years for its upland bias. In fact, I am filing legislation to rename it the Upland and Freshwater Conservation Fund, so that any pretense that it treats coasts and salt water fairly is removed and we can set up a Coasts and Salt Water Conservation Fund that can, I hope, stand on its own and have the resources that upland and freshwater gets.

The Army Corps of Engineers has a flood program that is just horrible for coasts compared to what it does for upland and inland. The Department of the Interior is named Interior so it is not exactly a coast facing agency.

Our coasts are seeing unprecedented hazards from sea level rise, from warming of the seas, from upheaval in the biota in the fisheries, and from really catastrophic storm risk. Rhode Island is right in the target area for that. It is a very coastal, ocean State.

I hope as you go about your responsibilities, you will make sure that this long tradition of overlooking oceans and coasts gets whittled back. We even saw it in the Biden infrastructure plan, which is extremely weak on everything having to do with oceans and coasts. It is like there is a missing section on oceans and coasts.

I am going to be a persistent nag, I guess, of the Interior Department to pay more attention to oceans and coasts. I just wanted to lay the marker down right now, and if I have any time left, to ask you for a quick response.

Ms. ESTENOZ. Yes, Senator, I am happy to respond to that. When you are born on an island, it is all coast. My husband and I have raised our family in Broward County, Florida, which regularly experiences now several times a year what we call sunny day flooding, which is essentially the ocean coming in and occupying our streets.

The amount of work that needs to be done to build coastal resilience is really, and from the Interior Department, the equities that we have on the coasts are incredibly significant.

If I am confirmed, coastal restoration and coastal resilience, these will be high priorities for me and in terms of the Fish and Wildlife Service and the National Park Service. And I look forward to visiting Rhode Island.

Senator WHITEHOUSE. We will be in touch a lot. I welcome you and thank you.

Ms. ESTENOZ. Thank you.

Senator KELLY. Thank you, Senator.

Now joining us also via Webex is Senator Lummis who is recognized for 5 minutes.

Senator LUMMIS. Thank you very much.

Ms. Estenoz, you have an impressive career. It is very nice to meet you by Zoom.

I take note of a statement in your testimony where you said, "As a State official, I was a customer of Fish and Wildlife Service's regulatory programs and know firsthand what it is like to be in the shoes of States trying to work with the Federal Government." In

your view, what is the role of States in the context of the Endangered Species Act?

Ms. ESTENOZ. Thank you, Senator. Thank you for that question.

I think the States play an absolutely central role when it comes to the Endangered Species Act, particularly when it comes to species recovery and management. What we want is to recover species. We want species not to need the protection of the Endangered Species Act.

States have a tremendous amount of expertise on the ground in species management. It has been my experience in my own career that in the almost 25 years I was working in Florida, the State of Florida was our strongest partner. The Florida Fish and Wildlife Conservation Commission was a tremendous partner there.

I believe very strongly in partnerships with States and really leveraging the expertise that we have in States.

Senator LUMMIS. I am delighted to hear you say that, because one of the great success stories of the Endangered Species Act since it was enacted is grizzly bears in the Greater Yellowstone ecosystem. The U.S. Fish and Wildlife Service, in the Bush administration, the Obama administration, and the Trump Administration all agreed that the Greater Yellowstone ecosystem grizzly bear population has recovered and should be delisted.

Ms. Estenoz, do you believe we should keep species on the list that every scientist in the past three Administrations agrees should be delisted, has recovered and management handed back to the States?

Ms. ESTENOZ. Thank you, Senator. I believe when species meet the definition of delisting or down listing, then we should delist or down list. The Greater Yellowstone Ecosystem grizzly population is doing very, very well. The grizzly is listed as an entire lower 48 population.

But I want to say something specifically if I may about predator recovery in particular. Species recovery is always challenging. But I want to recognize that there are special challenges when it comes to predator recovery, particularly for folks on the ground who find themselves sharing the landscape with a recovering predator species.

It is really important for folks to feel supported, and listened to and that we have the right tools in the toolbox to help folks live and exist with a recovering predator species. State management and State expertise, as I said before, is absolutely essential to this approach.

If I am confirmed, I will prioritize understanding and working closely with States to recover all species and in particular, predators.

Senator LUMMIS. Thanks so very much.

I am going to shift over to Ms. Freedhoff but if I get a chance, I will come back to you.

My question is about chemicals that make benefits and marvels of modern life possible. According to the Department of Energy, more than 96 percent of all manufactured goods rely on chemicals. One of the duties of the Office of Chemical Safety and Pollution Prevention is to weigh the benefits and risks associated with chemicals.

How do you intend to weigh those two things, both the benefits and the risks of chemicals, before your office?

Ms. FREEDHOFF. Thanks very much for that question, Senator.

You are absolutely right. Both of the laws that serve as the primary authority for the Office of Chemical Safety and Pollution Prevention require the EPA to consider costs and benefits and risks. For example, in TSCA, Congress actually gave EPA the authority to exempt uses of chemicals if that use is needed for an economically significant reason from our rules. If confirmed, I intend to follow the law.

Senator LUMMIS. Thank you. Hopefully, I will get a chance in round two to visit with you again.

Mr. Chair, I yield back.

Senator KELLY. Thank you.

Is Senator Markey here via Webex?

[No response.]

Senator KELLY. I will recognize myself for 5 minutes.

Ms. Fox, I want to get your thoughts on the Waters of the United States or WOTUS rule. As you know, in June 2015, the Obama administration finalized a new rule which expanded the scope of waters protected by the Clean Water Act.

While I support efforts to reduce surface water contamination, the way the 2015 WOTUS rule was written did not work for Arizona and wound up defining irrigation ditches, dry riverbeds and washes as waters of the United States when there is no water.

While these rules were repealed last year, I understand the EPA is considering reevaluating the WOTUS rules in the coming months. As Assistant Administrator for Water, how will you ensure the EPA takes into account the unique geographies of desert southwestern States like Arizona?

Ms. FOX. Thank you for the question, Senator Kelly.

I think the example you just provided from Arizona is why, if confirmed, I will do the work of the Office of Water based on the wisdom, the experience, the practical implementation of what these rules look like in communities around the Country.

To your question of how is it that we will consider the very diverse ecosystems, the topography and geography when it relates to water, one of the things Administrator Regan has really directed us to do is to have robust stakeholder engagement around understanding both how 2015 was implemented and how the 2020 rule is currently being implemented.

One of the things we plan to do is initiate listening sessions this summer. Then in the fall, what we have been talking with the Army Corps, who jointly developed the WOTUS rule, as you know, with EPA, that we will be doing regional roundtables. Really, Senator Kelly, the reason we want to do these regional roundtables is we recognize that when we create a national definition like Waters of the U.S., it looks different. I am still living in California, so I share the arid State concerns that you have in Arizona. It looks different there than it does in the Great Lakes or in the southeast.

We will be having these regional conversations to really better understand the very concerns you have raised.

Senator KELLY. Thank you, Ms. Fox. I look forward to helping us come up with a good list of stakeholders in the State of Arizona for the summer and fall.

Dr. Freedhoff, I want to discuss, for our remaining time here, EPA regulatory actions with regard to semiconductor production in the United States.

As you know, in January, the EPA issued five final rules under TSCA for certain chemicals that are persistent, bioaccumulative, and toxic. One rule was for phenol, phenol isopropylated phosphate 3:1, which is a chemical widely used in semiconductor manufacturing. After hearing belated concerns from industry, I appreciate that the EPA has reopened the comment period and provided a no action assurance and hope that semiconductor producers fully take advantage of this additional time to help shape the final rule.

As the Senate prepares to consider efforts to promote additional semiconductor manufacturing in the U.S., has EPA engaged with the Department of Commerce to discuss ways to provide regulatory stability under TSCA for the semiconductor industry?

Ms. FREEDHOFF. Thanks very much for that question, Senator. I appreciated talking to you about that issue when we met privately.

As you pointed out, those five rules were finalized by the last Administration. Honestly, the last Administration, from a process perspective, did nothing wrong when it finalized those rules because they asked for public comment, they reached out to stakeholders and really tried very hard to get the input of the regulated companies that would be subject to it.

As you said, when we started hearing from your constituents and many, many other companies across the Country with their concerns, that they hadn't really realized the implications of these rules on their business, we did take quick action to give them some more time and flexibility to give us the information we need. We really do encourage them and other industry sectors to bring us that information, because I know the EPA career staff wants to address all of the valid concerns that have been raised about those rules.

In terms of what you are asking about interagency coordination, there is actually a TSCA Interagency Coordinating Group. That group consists of representatives from many different agencies, including the Department of Commerce, the Department of Defense, NASA, the Small Business Administration, and many others as well. Our career scientists meet with them on a regular basis. I think it is more frequently than once a month. Sometimes it is weekly, depending on what we are doing. We do that because we really have a strong interest in understanding what other agencies feel their needs are as we move forward with regulatory actions.

Senator KELLY. Thank you, Dr. Freedhoff. My time is expired.

I will now recognize Senator Ernst for 5 minutes.

Senator ERNST. Thank you very much. I welcome our witnesses here today, and look forward to our discussion.

Ms. Fox, I will start with you, please. I am going to take what Senator Kelly was talking about, with the 2015 WOTUS Rule, and just add a little bit to that. Because as you see, there is a bipartisan disagreement with the 2015 rule that was put into place.

I adamantly was opposed to what we saw under the Obama administration in 2015. It was very damaging to the State of Iowa. What we saw with that rule and the way it was defined, those new Waters of the U.S. then allowed the Federal Government, or would have allowed the Federal Government to regulate 97 percent of Iowa's land. Not just water, but land.

So I know that we talked about stakeholders, and I am really glad to hear you say that. Because many of my constituents felt that their concerns were ignored during the 2015 WOTUS rule-making process. And in 2014, the Obama administration's very own SBA Office of Advocacy submitted comments to the EPA and Army Corps of Engineers, arguing that the agencies hadn't conformed to the Regulatory Flexibility Act's requirements that small business concerns be considered.

So you have mentioned you want to bring stakeholders to the table. What will you do specifically to ensure that the concerns of all of these impacted stakeholders, especially as you look at States across the Midwest, maybe in California, those that are in agriculture, those concerns are addressed in the event that a new definition is proposed?

Ms. FOX. Thank you for the question, Senator. One thing I will say is that in my former role as the CEO of the U.S. Water Alliance, I had the opportunity to spend quite a lot of time in Iowa. We had our One Water Summit every year, and Iowa brought the biggest delegation of farmers and water utilities and business leaders.

When I hosted something called the One Water for American listening sessions, we went to Iowa to hear about really the tremendous innovation that is happening on both water quality and farm profitability, because we saw municipalities and farmers working upstream, downstream. In fact, last year, during my final year at the U.S. Water Alliance, we awarded the Iowa Soybean Association the U.S. Water Prize because I truly believe that it is through collaboration and partnership that we will get the work of protecting our Nation's waters and protecting our agricultural productivity at the same time.

So what I commit to, if confirmed, is, I want us to find an enduring definition of Waters of the U.S. That is what Administrator Regan wants. We don't want to see this ping-pong any more. For our career staff at EPA, they have written three rules in 6 years. That seems crazy to me.

So what we are very committed to, Administrator Regan and I, is to understand the implementation challenges of both rules in communities around the Country and to work with folks like you, your constituents, to get to something that is enduring. We would love to have a definition that does not shift as administrations shift. I would love to have the opportunity to work very closely with you to make that happen, if confirmed.

Senator ERNST. Thank you. I appreciate that. And I do hope that we can move on to a definition that would be enduring. I think absolutely you are correct there. But we have a lot of different States with a lot of different needs. The nexus really does have to be water, not a bunch of land surrounding an intermittent stream, or whatever it might be. But it needs to be about water.

So I do have a question about WOTUS and the 30 by 30. I am not sure what agency is actually going to be in charge of the 30 by 30 rule that is being proposed by President Biden. Is that the EPA, is it USDA? Do you happen to know?

Ms. FOX. I can find out and get back to you.

Senator ERNST. OK. Because this plan has been proposed, but nobody really knows who is going to administer this, and we have no idea how we arrive at putting 30 percent of America's lands in a protected status. I talked to Secretary Vilsack, we had an informal question session with him a few weeks ago. He told my senior Senator, Chuck Grassley, oh, we are going to get this done by using CRP. Well, I don't see how that works. CRP is for vulnerable lands. Not every State farms. So I am not sure. I guess maybe he just wants to take it away from those of us that farm.

Does the Biden Administration plan to use—

Senator CARPER.

[Presiding] Senator, your time is expired. Go ahead and ask this question but then we will have to go to Senator Padilla.

Senator ERNST. OK, thank you, Mr. Chair. So we will take this for the record. But we just want to know about the definition of WOTUS and how it ties into the 30 by 30. Because what we are concerned about in Iowa is that the Federal Government starts using expanded definitions and rules that then to take away land, productive land from farmers, and put it in a protected status, we do not want to see that. I think that is Federal Government overreach. I will send the question to you and we will do it for the record.

Thank you, Mr. Chairman.

Senator CARPER. Would you like to respond just briefly to that question? Maybe you can do more in writing later on, but anything you want to say right now, you are welcome to.

Ms. FOX. I am happy to answer that question for the record. But I think, Senator Ernst, one thing that is going to guide the work of the Office of Water if confirmed is we have to balance all of these interests of water quality, ensuring the profitability of our farmers who feed the Nation, they feed the world.

So we have to balance those things. What you can count on me if confirmed as the AA for Water is that I will always listen to your constituents, I will hear them out. And as I make decisions, I will always look back with you and them. I really think that through partnership, through collaboration and through really transparent decisionmaking, that is what is going to be best for the people of this Country. You have my commitment on that.

Senator ERNST. Yes, thank you. And I appreciate the commitment.

Senator CARPER. Senator Ernst, sometimes I ask people who have been married a long time, what is the secret to being married a long time. As you might imagine, I get hilarious answers, and I actually write them down and use them from time to time for comic relief. One of my favorite answers, though, is communicate and compromise. Communicate and compromise. That is also the secret to a vibrant democracy. I would add a third C, and that would be collaboration. Communicate, compromise, collaboration. I think

that is what we are hearing both of you talk about today. I welcome that. Thanks for joining us.

All right, Dr. Padilla, Dr. Senator Padilla, I know you are out there somewhere. You are recognized next. And if we don't have anybody else intervene, then Senator Cramer would be after you. Senator Padilla, please.

Senator PADILLA. Thank you, Mr. Chair. For the record, I am not a doctor, nor do I play one on TV.

I have a couple of questions and topics I would like to raise with Ms. Estenoz regarding the National Park System. We know it is a source of pride for so many Americans. Our national parks boast not just stunning scenery and our national monuments and historical parks, but it helps tell the story of our Country.

However, the stories told by our park system don't completely paint the full mosaic of America, nor does it adequately preserve the full culture and legacy of all Americans. We have a lot of work to do to diversify our national parks and monuments. Too few sites focus on the experience of the Black, Asian, and Native Americans, or teach us about our Latino heritage. And we don't have enough parks and monuments proudly dedicated to the contributions of the LGBTQ community and not nearly enough sites that celebrate the contributions of women to our Nation's history.

I wonder if you can talk for a minute about how you would work with the Biden Administration to ensure that the National Park Service sites better tell America's rich and diverse history?

Ms. ESTENOZ. Thank you so much, Senator, for that question. This is an incredibly important priority for the Administration and for the Secretary.

The National Park Service, in many ways, is our government's preeminent experts on the power of place and how important places can be in our effort to tell a story. You are right, I agree 100 percent, as does the Secretary, that the range of stories that we tell isn't broad enough. It doesn't tell the full, rich story of America. And it is an absolutely high priority for us to fix that problem, and to think of our national park sites, which some of them are parks, but they are also historic and scenic trails. We have historic sites, we have national seashores. There are a rich diversity of stories to be told at most of those sites.

So if I am confirmed, this will be a top priority for me, it is a top priority for the Secretary. This includes telling the rich story of our indigenous communities, and revitalizing our commitment to telling the stories of tribal nations and involving them in weaving those stories and sharing them with visitors to our national park sites. I very much appreciate the question.

Senator PADILLA. Thank you. I look forward to working with you and the Administration on that in the years ahead.

Next question is a topic that was raised earlier about access to outdoor spaces. I want to dig a little bit deeper. As you know, too many children, especially in communities of color, grow up without access to outdoor spaces. Nationwide, three-quarters of people of color live in nature-deprived communities.

Los Angeles County, not just my home State, but my home county, is one of the most densely populated regions in the Country. It has one of the lowest rates of park access. It has 3.3 acres of park

space per 1,000 residents, half as much as other high-density areas.

The COVID pandemic has showed us how important access to outdoors is, and that our local parks can bring just as many mental and physical and educational benefits to residents as a national park. So I want to thank you for your work in helping to rescind President Trump's Secretarial Order 3388 and reinstating funding for the Outdoor Recreation Legacy Partnership Program, which helps fund the parks for urban communities. I would encourage the Administration to go big and include a robust funding request for this program in the next Fiscal Year budget.

Again, I know it was brought up earlier in the hearing, but if you want to speak for a few more minutes on how you would approach the work to ensure more urban communities in particular can access quality green spaces.

Ms. ESTENOZ. Thank you, Senator. Again, this is a part of a similar issue. Equal access to nature, the year that we have been through as a Nation is perfect evidence of how important it is for folks to have access to outdoor spaces. So many Americans this year have taken refuge in the parks in their neighborhoods and their communities. For folk who don't have access to those areas, it has been that much harder to cope with the year that we have lived through.

As I mentioned earlier, we just 2 days ago announced \$150 million investment in the ORLP program. This is the largest investment. It is a competitive grant program. One of the things that is a high priority for us is to ensure that communities have the opportunity to actually compete for those dollars.

So we are working hard internally to ensure that we are promoting the program, that we are offering our technical assistance to folks who want to try to participate in that program. Now that the Congress has invested in full funding of the LWCF, that is an absolute game changer for communities who need and deserve greater access to the outdoors in their lives and in their communities.

Senator PADILLA. Thank you for that. Again, I look forward to working with you on this in the years ahead.

Thank you, Mr. Chair.

Senator CARPER. Senator Padilla, thanks so much for joining us today, and for those questions.

Senator Cramer is back for a second round. I think Senator Markey is trying to join us. The vote starts in the Senate, we have two votes, they are going to start the first one in about three or 4 minutes. But we have some time.

Senator CRAMER.

Senator CRAMER. Thanks you, Mr. Chairman. Thanks again to all of you.

Ms. Fox, as I mentioned during the first round, I wanted to get to WOTUS. You have answered a lot of WOTUS questions since I have been here, and you have done very well with them. So I am just going to add my illustration and ask some pretty simple questions.

Last Congress, in this committee we did hold a hearing on the Trump WOTUS rule. One of the witnesses was the North Dakota

Commissioner of Agriculture, Doug Goehring. Doug testified, "The most fundamental management practice in agriculture is effective water management, either to retain, conserve, or convey. An overly rigid, one size fits all Federal intervention and regulatory oversight is not reasonable, not workable and not appropriate."

Now, Administrator Regan, whose nomination I supported in this committee, and on the floor, has said the EPA is going to rewrite the regulation again, but not as the Obama administration did in 2015. You have echoed that sentiment a couple of times. I like consistency within an Administration, Mr. Chairman.

North Dakota successfully litigated against the 2015 regulation, which would have laid claim to over 80 percent of our land mass with its 4,000-foot buffer. In 2006, if we are looking for a definition, I think Justice Scalia got it exactly right in his majority opinion when he set the standard for continuous surface water connection to relatively permanent bodies of water. There was a little vagueness in a few of those words, but nevertheless, I think it is a pretty good starting point.

So with that in mind, I want to refer to this map of North Dakota, just to help people understand. We literally are, people always say they are something, we really are the center of the North American continent. There is a monument in Rugby, North Dakota, that says, this is the center of the North American continent.

We are prairies, we are badlands. Theodore Roosevelt National Park, the only national park named after a person, place matters, right? This is where his ranches are. Right out here in the badlands, limestone, sandstone, cactus, badlands.

This map illustrates what would fall under Waters of the U.S. definition of navigable waters. Now, I have a pontoon, I live on a bay of the Missouri River. If I can't drive my pontoon on it, I know it is not navigable, right? But this is a whole bunch of stuff that you couldn't drive a pontoon on.

So anyway, obviously WOTUS is at the heart of agriculture, as you have been hearing from others. It is very near and dear to North Dakotans. We want to get it right.

So I am just going to ask you some really basic things. First of all, and I think you testified to this. But they didn't get it right in 2015. Do you think they got it right in 2015?

Ms. FOX. Senator, it sounds like, first of all, that Shannon and I need to do a joint trip together so that we can understand the two very original challenges. So maybe we can do that.

Senator CRAMER. That would be fun, yes. The Administrator promised to do it too, but you can either come with him or at another time.

Ms. FOX. Senator Cramer, again, we all want an enduring rule. I think we want an enduring definition that is national, but really can address the particular local circumstances of water. As we know, water is also changing rapidly, the Great Lakes are warming, parts of California and Arizona are drying very rapidly.

So how do we create a rule that can withstand the test of time and respect the local needs? That is really what Administrator Regan wants, that is what he has directed me to do, that is what I want to do. I want to get it right, and I want to get it right with all of you.

So I hope you will help us with that.

Senator CRAMER. You raise a really good point. Both you and the Administrator I think bring some very valuable experience. He as a State regulator, you as somebody who has been in a regulated industry, although not agriculture, but again, WOTUS was clearly important.

That is what gives me hope, as well as your willingness to talk, to collaborate, to communicate. We have lots of Cs that work: Carper, Capito, Cardin, Cramer, there are lots of C words that work.

Ms. FOX. And Cramer.

Senator CRAMER. And Cramer. So I look forward to that. I really do. I am an eternally optimistic person, Mr. Chairman.

So you are invited, you are welcome. You can leave the Administrator at home or bring him with you if you want, but he is coming at some point. You raised an important point, and this would have been relevant to the previous discussion, that changing, that has been going on for centuries. That is part of why North Dakota farmers didn't drain. They moved with the water. They farmed when it was dry, if it was wet over here, then the next year they farmed over here, because they valued having that water around them. They were naturally conservationists. But they reject the notion that the Federal Government is going to tell them how to do it if not a partner.

With that, thank you both. Thank you, Mr. Chairman.

Senator CARPER. Thank you, Dr. Cramer.

[Laughter.]

Senator CARPER. We can never have too many Cs.

There is a good spirit here. I hope this is a good spirit that we can continue to embrace as we go forward and address some thorny issues and really important issues for all different parts of our Country.

I would like to come back to you, Ms. Estenoz. I have a question. And I think senator Markey is trying to get here. I won't stretch it out too long, but we will make sure he has a chance at a second shot here.

Ms. Estenoz, our committee has spent considerable time in recent years, I have been on this committee for 20 years, I love this committee. I feel so fortunate to serve on it.

In recent years we have deliberated matters involving the Endangered Species Act. While the Endangered Species Act is one of our Nation's most popular and successful environmental laws, it is not without controversy, as you know. That said, I believe we can all agree more than we disagree when it comes to preserving and when it comes to implementing this bedrock law.

My question, Ms. Estenoz, is, in your opinion, how can the Department of Interior best foster collaboration, one of those Cs, versus conflict, another C, when it comes to the Endangered Species Act?

Ms. ESTENOZ. Thank you, Mr. Chairman, for that question. I think it is such an important one. Because we have talked a little bit with some of the other questions and some of the other discussion earlier about how important recovery is in the Endangered Species Act, as an ultimate driver of what we want to try to do. There is a whole movement regarding conservation without con-

flict, and moving past conflict to cooperation and collaboration, just to keep the C theme going here. In my experience in Florida, that is when we have gotten the most done, even when we are dealing with listed species, even when we are dealing with species that are on the brink.

And we have a couple, we have a couple in Florida. We have many, too many, in our Country. We have some 12,000 species that need conservation assistance to avoid extinction. That is too many.

I think everyone would think that is too many. I don't think that is a particularly controversial statement.

We are not going to recover those species or improvement their conservation status unless we can work together. As I said earlier, some of the strongest expertise when it comes to specific species management, it is on the ground, it is the folks who are closest to those species, and it is incumbent upon Fish and Wildlife Service.

Frankly, I think we do a good job integrating our work, particularly through, for example, the Association of Fish and Wildlife Agencies throughout the Country. There are tremendously strong relationships among the people on the ground there. It is really great to watch. We need to empower those relationships and those partnerships.

If I am confirmed, it will be my job to support them and to encourage that collaboration and if I am confirmed, I will pledge to do just that.

Senator CARPER. All right.

As we wait for Senator Markey, I want each of you to take a minute and talk to us about your top priorities, one or two top priorities. We have heard from you about some of the pressing issues that face our Nation and the roles that you will be playing. But I would like to, before we finish up, to get your perspective on some additional matters that you expect to address once you take office. Just mention for us briefly a couple of your top priorities.

Dr. Freedhoff, I am going to ask you to start out. Just talk about some of your top priorities briefly.

Ms. FREEDHOFF. Thanks very much, Mr. Chairman. I would say No. 1 is really implementing TSCA and recognizing that when that law was enacted, everyone, environmental organizations, industry groups, Republicans, Democrats, everyone wanted EPA to have the authority that it needed to protect families and workers all across this Country from unsafe chemicals. So getting that program off the ground and starting to write some of those protected chemical safety rules is one of my first priorities.

Second, I would say it is about trust. I think in the past 4 years, there was a lot of fantastic science that went on in the agency, but there were also some examples of times when the scientists were told to change their conclusions or exclude data or when people raised concerns were kicked out of meetings and told that they couldn't work on those things anymore. I think as a result, some of those decisions, again, not everything that happened in the last 4 years, but as a result of some of those decisions, when EPA says that a chemical or a pesticide can be used safely, sometimes people don't trust us.

I think the public needs to trust us. That is not just good for the environment and for human health, I think it is also really impor-

tant that the public has confidence in the products that companies make. And when we say the chemicals that they use are safe, they really are.

So I think working to restore trust in what the agency says about the safety of chemicals and pesticides is one of my other top priorities that I hope to work on if confirmed.

Senator CARPER. Thank you for that, very much.

Your daughters are sitting behind you over you left shoulder. The former chairman of this committee was a fellow from Wyoming, John Barrasso. He still serves in the Senate, but not in this committee. He and I love music, and we used to like to interplay musical lyrics when appropriate with the comments that we make from the dais.

One of the songs we liked to quote was by a one-hit wonder named Thomas Dolby, She Blinded Me With Science. Some of you may remember that song, a great song. We don't need to be blinded by science; we need to be guided by science. I think we have in the witnesses here before us today adherence to that principles. I like to think we have on this committee and in the new Administration a real strong desire to be guided by science. Thank you for that.

Top priority, Ms. Fox, please.

Ms. FOX. Thank you, Senator. I had a chance to talk a little bit earlier about some of the priorities around implementing our infrastructure programs well, PFAS, affordability. I want to add a couple. One is, and to really build on Lee Howell's point, and this is something that talk about quite often, is really the tremendous career staff that exists across all of the offices at EPA.

I think one of my internal priorities is really around supporting them, building their morale. We have a big agenda when it comes to water. They have decades and decades of experience. So that will be a big internal priority.

Another internal priority that I have if confirmed goes back to what Senator Whitehouse said earlier around science. One of the first things that I did was meet with our scientific integrity official. I got briefed on concerns that had been raised around scientific integrity over the previous administration. I issued a memo to the entire Office of Water to say, if there are every concerns around scientific integrity there will always be an open door policy.

So I think in addition to pursuing the big water agenda that President Biden and Vice President Harris has laid out for us to also do the internal work, so that we have a strong, productive work force that is value and respected for all of their contributions. That would be another big priority of mine.

Senator CARPER. All right. Thank you, Ms. Fox.

Ms. Estenoz.

Ms. ESTENOZ. Thank you, Mr. Chairman.

My priorities roughly fall into three categories. Sticking with our alliteration theme, they are policy, program, and people. I too am a music fan, and Stephen Stills is very important to me.

Senator CARPER. Something's Happening Here.

Ms. ESTENOZ. Something is happening here, indeed. So my policy priorities are the President's and the Secretary's policy priorities. So if I am confirmed, my job will be to help the National Park Service and the Fish and Wildlife Service contribute to our efforts

to tackle climate change, our efforts to increase equal access to nature, to tell all of America's stories, to recommit ourselves to our government-to-government trust responsibility to tribes, and to build back better by investing in our infrastructure and our public lands, our coastal resilience, so many of the issues that we have heard today.

Programmatically, I think right off the bat my priority is going to be the implementation of the Great American Outdoors Act and the fully funded Land and Water Conservation Fund, a huge responsibility.

Senator CARPER. That should be a lot of fun.

Ms. ESTENOZ. I am already having fun and looking forward to more. The commitment that the Congress made last year, I and so many Americans are so grateful for it. It is really now our job to make sure that we squeeze every ounce of value out of every single dollar and we get it on the landscape, working for the American people.

Speaking of people, my other priority is supporting our career work force. Our people have had a rough year, just like every other American has had a rough year. The National Park Service is facing what could be one of the busiest summers for our national parks and national wildlife refuges in the history of those services.

So part of my priority will be to ensure that they feel supported and that they have the tools that they need to welcome America back to our public lands over the next year, as we come out of this COVID crisis and take refuge in the beautiful places that the services that I have the pleasure of working with are responsible for. So thank you so much for the question, Mr. Chairman.

Senator CARPER. Senator Markey I am told is on his way. I don't want to disappoint him by leaving him an empty room. Hopefully, he will make it soon.

While we are waiting for another minute or two, there is question I like to ask sometime when we have time. Is there a question you wish you would have been asked that you have not been asked by anyone on this panel? We will start with Dr. Freedhoff, is there a question you wish you had been asked, but you didn't get it?

Ms. FREEDHOFF. I am sorry, Senator, you wanted to know what question—

Senator CARPER. Yes, what is a question you would like to have been asked that no one has asked you?

Ms. FREEDHOFF. I would like to have been asked how the agency responded to COVID. The reason for that is because my part of the agency literally dropped everything in order to respond to the virus. About 100 of our career scientists stopped what they were doing and focused all their efforts onto approving about 550 different disinfectants that were certified as effective against COVID, and also helped support the agency's efforts to crack down on fraudulent claims made by companies about COVID products.

They really rose to the challenge and met it. It was very important for both the Country and the agency that they did so.

Senator CARPER. Thank you. Next time, we will ask that question. Senator Markey has joined us. Senator.

Senator MARKEY. Thank you, Mr. Chairman. I apologize to you.

Senator CARPER. Glad you could make it.

Senator MARKEY. We are still in the midst of the Commerce Committee markup. We used to say in Boston, Wednesdays are Prince Spaghetti Day. Now we just say, Wednesday is a day when every committee meets simultaneously. And you can be omniscient, but you cannot be ubiquitous. So I apologize to you for not being here.

Dr. Freedhoff, back in 2016, you worked with me on the issue of PCBs which contaminate as many as 25,000 schools across the Country despite being banned by the EPA in 1979. Students should be learning their ABCs, not their PCBs. That is still a situation in the Country right now.

So I am planning on reintroducing the Get Toxic Substances Out of Schools Act, which would reauthorize and expand Title 5 of TSCA to help schools remove PCBs and other toxic substances. Are you going to be working on that issue? I would love to partner with you in moving legislation that could give you more power to deal with that issue.

Ms. FREEDHOFF. Thanks very much, Senator Markey. I appreciated talking to you about this as well, earlier in the week. It is funny, one of the first calls that I had with our acting regional administrators, it was just an opportunity to get to know them all. More than half of them, I would say, from all across the Country, raised this very issue with me. Because you are absolutely right, it is not just PCBs, it is asbestos and it is other toxic substances as well.

The challenge that they really face is that as these schools age, the PCBs and the asbestos are released, and actually have in the past exposed both teachers and students. A lot of time also these schools are in economically and otherwise underserved communities that are also at risk of other environmental exposures in dipropionate ways compared to other communities.

So I think there is great interest at the agency in working with you on this. I look forward to it.

Senator MARKEY. Thank you. I appreciate it.

And you know, there is kind of a way of looking at these environmental issues which says, oh, my goodness, they are so expensive, they are going to create real problems in our society if we really try to remediate it. But the other side of the coin is, it is a job creator for construction, painting, and other occupations that will have to go in and do this work.

Can you talk about that a little bit?

Ms. FREEDHOFF. Yes, I think you are absolutely right, Senator, to raise that. I would add additionally on that, a lot of State budgets are probably pretty challenged because of what they have gone through in the past year on COVID. I actually think that a lot of schools that might have been otherwise slated for remodeling or reconstruction are going to have to wait a lot longer, because of the challenges to State budgets.

So I sort of see it as a win-win-win. It is a win for the environment, it is a win for jobs, and it is a win for the children and the teachers who are in those schools every day.

Senator MARKEY. Yes. I thank you for that.

In terms of using this funding that is going to be at the EPA and under your leadership to quickly evaluate dangerous chemicals,

you may have already answered the question, but could you talk about that, how you are going to try to telescope the timeframe to deal with these issues under the constraints that exist statutorily?

Dr. FREEDHOFF. I think that was one of the provisions that you cared the most about, as I recall, is making sure that the chemicals that EPA already knew they had concerns about were moved along at a faster timeframe. So what we are doing right now is we are taking sort of a forensic look back at the first 10 risk evaluations that were completed in the last Administration. Our objective is to move as many of them as possible into rulemaking as quickly as we can.

There may be times when we have to supplement some of them in order to make sure that the rules that flow from them are as protective and legally defensible as they need to be. But really, our focus is on giving Americans the chemical safety protections that everyone expected EPA to provide.

Senator MARKEY. So as you are looking back at the previous Administration, there are flaws in the methodology which was used by the preceding Administration. And of course, our goal is to make sure that families are not exposed to asbestos, are not exposed to other dangerous chemicals. So how are we going to fix those flawed chemical risk evaluations completed by the previous Administration to ensure that they account for legacy exposures and use the best available science?

Ms. FREEDHOFF. Well, the court, on legacy exposures there was actually a court decision telling the agency that the law clearly expected the agency to consider legacy exposures. That was about the asbestos risk evaluation, and the agency is certainly going to abide by that court decision.

But more generally, I think the expectation in TSCA was the EPA would study the chemicals comprehensively. That means knowing whether people are getting exposed from the air, from the water, from the disposal of those chemicals.

So what we are doing now is we are going through those first 10 pretty intensively. But we also recognize that the point of TSCA was to write chemical safety rules that were protective. So what we want to do is move past the risk evaluation phase and into the protection phase of our activity just as quickly as we can.

Senator MARKEY. So when I entered Congress, I had Chelsea, which was the poorest and most vulnerable community in New England, had huge exposure to lead. That was like the first project that I worked on, again, poorest community in New England. We saw during the Coronavirus pandemic that Chelsea has extremely high asthma rates, and as a result, it made them more vulnerable to the Coronavirus.

When we were working together on Woburn and the toxic site in Woburn, that goes back to the 1970's when the EPA and other agencies were just turning a blind eye, which ultimately led to the creation of the Superfund law, which I was proud to be a part of in 1981, in getting that law on the books.

Senator CARPER. Senator Markey, your time is expired. We will run into overtime and we are running out of time on the floor. So if you want to wrap it up really quickly.

Senator MARKEY. I will wrap up quickly. Environmental justice, Dr. Freedhoff, how can we ensure that it is built into every single part of the activities taken by this Administration?

Ms. FREEDHOFF. I appreciate the question. You know what? Congress told us to study potentially exposed and susceptible subpopulations. We have to consider those subpopulations every time we study a chemical. I do think we could be doing more with that authority than has been done in the past Administration.

I think one thing we are really focused on now with those first 10 is really looking at whether there are fence-line communities, communities that have been disproportionately exposed to pollution from chemical companies and other things, and seeing whether there is more that we need to do to supplement those risk evaluations as we move to rulemaking.

Senator MARKEY. You are going to do a great job. Thank you.

Thank you, Mr. Chairman.

Senator CARPER. Senator Markey, I would ask you just to stay in the room for another minute before you go, and I will go with you.

Let me just close by saying how pleased I am, in talking to my colleagues as they come and go. Almost without exception the comments are just, you have really won the hearts of your moms and dads and maybe even your daughters. Very, very good job. We have been fortunate to hear from three outstanding nominees for critical roles in the Environmental Protection Agency in the Department of Interior. You are experienced, you are intelligent, and you are committed public servants.

I want to close by thanking you all once again for your willingness to share your wisdom, your expertise, and inclusive instincts with our Nation. And 3 days after Mother's Day, our thanks to the moms that brought you into the room, and maybe your dads and husbands might be sharing you with us, your children, sharing you with all of us.

I would like to ask unanimous consent to submit for the record a variety of materials, including letters from stakeholders and other materials that relate to today's nomination hearing. Without objection.

[The referenced information follows:]



Quality Journalism for Critical Times

For Florida Woman Shannon Estenoz, just appointed to U.S. Dept. of Interior job: Here's a to-do list

By
Craig Pittman
-
April 22, 2021



The Florida Everglades as seen from the Tamiami Trail. Credit: Marc Ryckaert via Wikimedia Commons

[NEWS ITEM: Biden administration nominates fifth-generation Key West native Shannon Estenoz as assistant interior secretary for U.S. Fish and Wildlife Service and National Park Service \(April 14\)](#)

Dear Shannon,

First of all, congratulations! As a fellow Florida native — albeit one from the Panhandle, not from the Keys — I am always happy to see a Floridian get the opportunity to influence the course of history.

Of course, such an opportunity comes with certain risks. We saw this with Katherine Harris' blundering in overseeing the 2000 election recount, and with the crew from Miami who became the bungling Watergate burglars. That's naming just a couple of times when Florida's contribution to the nation's destiny was to play the fool.

Nevertheless, I am hopeful that you can avoid those missteps and maybe even achieve something great.

Fueling my optimism is that, in choosing you, Biden picked someone with a stellar resume, at least as far as Florida's environment is concerned.

You've got degrees in both international affairs and civil engineering from Florida State (no booing from the Gators in the audience, please). You've been appointed to state boards by both Democratic Gov. Lawton Chiles and Republican Gov. Jeb Bush. You spent three terms as co-chair of the often-fractious Everglades Coalition of environmental groups. You served on the South Florida Water Management District governing board, the state agency directly involved in Everglades restoration. And, until recently, you were chief operating officer for the environmental group known as the Everglades Foundation.



Shannon A. Estenoz. Principal Deputy Assistant Secretary for Fish and Wildlife and Parks. Credit: U.S. Department of the Interior.

Plus, this is your second stint with the Department of the Interior. Four years ago, during the Obama administration, you served as director of the Office of Everglades Restoration Initiatives and executive director of the South Florida Ecosystem Restoration Task Force.

Thus, you should know your way around the D.C. swamps as well as you know your way around Florida's most famous marsh — although the one in D.C. probably doesn't smell as good.

I should add that, as someone who follows you on Twitter, I am aware of what a capable person you are, one with a self-deprecating sense of humor.

For instance, you [tweeted](#) in October 2020: “Two weeks ago I dismantled and reassembled a carburetor. Today I cut my husband’s hair. I was much more confident about the carburetor. #WhatCouldGoPossiblyGoWrong”

I checked with your husband, Nova Southeastern law professor Richard Grosso, and he told me the haircut went “pretty darn well; just another one of my wife’s many skills.” Presumably, the carburetor worked okay, too.

Your many friends in Florida definitely are rooting for you to succeed.

“She is smart, knowledgeable, honest, and brave, and in addition she is funny, beautiful, and a great guitar player,” longtime environmental activist Maggy Hurchalla (and former Attorney General Janet Reno’s sister) told me. That last attribute came in handy at the Everglades Coalition meetings, she said.

However, times being what they are, I should probably add “condolences” to this note of congratulations because you’re going to have to clean up some pretty big messes left behind by the previous administrations.

So let’s talk about some of those.

Fixing up a list for Ms. Fix-It

Although I have interviewed you any number of times [since 1999](#), when you were working for the World Wildlife Fund, I don’t know if you’re a list person.

I mean one of those folks who starts the day with a to-do list and then throughout the day you check everything off, one by one. I am one of those cursed list-makers and checkers — at least, I am when I remember to take the to-do list out of my shirt pocket before starting the laundry.

I’m sorry you didn’t have time to talk to me this week about your goals for your new job. I presume you were too busy clearing the office of anything left behind by your Trumpian predecessor, a former lobbyist for a big utility company.

But fret not, I bear no grudge. Instead, allow me to furnish you with a suggested to-do list of some things you could fix that would get you off to a big start.

Designate critical habitat for panthers: Florida panthers were put on the very first endangered list in 1967, before the Endangered Species Act passed in 1973. That means the panther was added to the list before the law required the U.S. Fish and Wildlife Service to map out its critical habitat — the land that panthers need so they can continue to exist.



Florida panther. Wikimedia Commons; U.S. Fish and Wildlife Service.

The wildlife agency you now oversee has found it easy to rubber-stamp every development proposed in panther habitat and blame the lack of critical habitat for its inability to take a stand. The last time it objected to a project in panther habitat was in 1993.

So why not set up critical habitat now? The agency's leaders refused to do it, even when [members of Congress asked](#). They claimed that declaring a certain acreage to be prime panther habitat would cause a backlash that would hurt public support for saving panthers. That's like firefighters refusing to respond to a call about a burning schoolhouse because some people might object to them wasting water. Don't you think Florida's official state animal deserves better treatment than that?

Reverse the decision that took manatees off the endangered list: Four years ago, shortly after the Man of Mar-A-Lago moved into the Oval Office — and over the objections of scientists and a majority of the public — the Fish and Wildlife Service announced that manatees were doing so well they could be taken off the list of endangered species. Instead, the agency classified them as merely threatened.

As you may have heard, in the first four months of this year, [more manatees have died](#) (about 650) than died in all of last year — mostly from malnutrition. Sure does sound like the decision

to stop calling them “endangered” was a tad premature, doesn’t it? It’s time to admit that and to say that the scientifically solid move is to reclassify them as endangered, especially since scientists worry next winter the die-off could be even worse.

Halt oil drilling in the Big Cypress National Preserve: In 2010, you were given an award named for Marjory Stoneman Douglas. The fabulous Ms. D, as you know, got her start as an environmental advocate when she helped block the construction of the world’s largest jetport in what is now the Big Cypress National Preserve. That led to the federal government buying the land and putting it in the hands of the National Park Service to keep it in its natural state.

But it’s hard to call it a “preserve” when the family that Collier County is named for retains the mineral rights beneath Big Cypress. Like an upscale version of the Beverly Hillbillies, the Colliers are allowing a Texas company to [hunt for oil](#) out there, disrupting the swampy wilderness. The Colliers have previously signaled that they might be willing to sell the mineral rights. It’s time to open negotiations with them about that, with an eye toward keeping the preserve preserved.



The Everglades. Credit: National Park Service

Get the stalled Everglades restoration back on track: Twenty years after the Everglades restoration project started, with \$5 billion spent, exactly one of its 68 projects has been completed — and it’s a lab for raising bugs to devour invasive plants. Meanwhile all the big changes in water flow, so crucial to reviving the River of Grass and stopping damaging releases to the estuaries on both coasts, [haven’t happened yet](#).

We taxpayers need to see some real progress here for all our money being spent — not just more politician photo ops where they brag about how they’re environmentalists no matter what else they do, just because they throw more money at this project. (They can afford to do that because hey, it’s not their money — it’s ours.)

Focus on science, not P.R. stunts, in dealing with pythons: Pythons are a [serious problem](#) for the Everglades ecosystem, but a lot of the response has looked like something a reality TV show producer would come up with: Rodeos with prizes! Footballs made with python skin! Politicians waving machetes for the camera! Yeehaw!

Meanwhile a lot of very dedicated hunters are out in the Glades trying to find one or two pythons a night, not for the paltry amount of money they're paid but because they like the excitement and enjoy the feeling they're helping the environment.

But that's never going to be enough to make a dent in the ever-booming snake population, so we should stop pretending that it's effective. Only some as-yet undiscovered scientific solution will stop this invasion — whether it's the use of snake pheromones or something else. That's where we should beef up personnel and funding.

That should be enough to get you started. Then you'll be ready to fix some things in other states — smog obscuring the Grand Canyon, for instance, and genetic problems with Santa Monica mountain lions.

The man who saved the gators

I know, I know, that's a lot of complicated stuff to take on — not unlike reassembling a carburetor *while* cutting your husband's hair.

But I think anyone with expertise in both diplomacy and engineering should be well-equipped to handle it all. Maybe you can bring your guitar along and play a few verses of "Kumbaya" to win people over.

One reason I have high hopes for you to accomplish all this is rooted in history.



The late Nathaniel Reed. Credit: WUSF Public Media

The last Floridian who landed that same high-level job in the Department of the Interior was a Republican, [Nathaniel Reed](#) of Hobe Sound. I know you remember Nat, his patrician figure long a fixture of Everglades Coalition meetings right up until he died in 2018.

While working as assistant secretary for fish, wildlife, and parks from 1971 to 1977, he preserved more than 80 million acres of Alaska, publicized the dangers of DDT, and imposed a ban on the use of a coyote-killing poison. Most importantly, he co-wrote the Endangered Species Act and got it passed by Congress and signed by his boss, Richard Nixon.

That turned out to be one of a few things Nixon — otherwise busy bombing Cambodia and covering up a third-rate burglary — got right.

After all, alligators used to be on the endangered species list and now they definitely are not. In fact, we have so many of them that Florida had to set up a Statewide Nuisance Alligator Program — SNAP! for short — to deal with complaints about them showing up on people's porches and poking their snouts into garages and strolling through the Publix parking lot to check on whether there's a BOGO on chicken tender subs.

In short, Nat Reed was a heck of a Florida Man, the one who saved the gators (please, no booing from the Seminoles in the audience). But I never saw him rebuild a carburetor, much less cut someone's hair. So here's hoping someone who can do both successfully can achieve even greater things than he did.

Or at least avoid being the next Katherine "Hanging Chad" Harris.



Craig Pittman

Craig Pittman is a native Floridian. In 30 years at the Tampa Bay Times, he won numerous state and national awards for his environmental reporting. He is the author of five books, including the New York Times bestseller *Oh, Florida! How America's Weirdest State Influences the Rest of the Country*, which won a gold medal from the Florida Book Awards. His latest, published in 2020, is *Cat Tale: The Wild, Weird Battle to Save the Florida Panther*. The Florida Heritage Book Festival recently named him a Florida Literary Legend. Craig is co-host of the "Welcome to Florida" podcast. He lives in St. Petersburg with his wife and children.

**Support the Nomination of Shannon Estenoz as Department of the Interior
Assistant Secretary for Fish and Wildlife and Parks**

May 11, 2021

Chairman Carper, Ranking Member Capito, and members of the Committee on Environment and Public Works:

On behalf of our millions of members and supporters, the undersigned organizations urge you to support the nomination of Shannon Estenoz as Department of the Interior (DOI) Assistant Secretary for Fish and Wildlife and Parks.

The Biden-Harris Administration must address climate change head-on and advance policies that protect the water, air, ocean, wildlife, cultural landscapes and other resources that make our public lands world-renowned. The National Park Service and Fish and Wildlife Service fall under the purview of the assistant secretary, agencies that will be crucial to the success of these efforts. From protecting endangered species to expanding the interpretation of diverse stories to ensuring robust community and tribal collaboration, our public lands need a strong leader in this position and Shannon Estenoz is well qualified for that role.

Estenoz comes to this nomination with nearly three decades of environmental protection experience. Whether working directly with stakeholders or coordinating across multiple federal agencies, she has demonstrated a consistent commitment to working collaboratively while protecting some of the United States' most precious natural resources. Currently serving as the principal deputy assistant secretary for fish and wildlife and parks, Estenoz was most recently the Chief Operating Officer of The Everglades Foundation.

Through her work as DOI's Director of Everglades Restoration Initiatives as well as DOI's Executive Director of the South Florida Ecosystem Restoration Task Force during the Obama administration, Estenoz established herself as a professional with technical expertise on the protection of the Everglades, one of our most treasured and vulnerable landscapes. As part of her work at DOI, her role included coordinating between multiple federal agencies, advancing meaningful consultation with tribes, and engaging with stakeholders across a broad array of often competing interests. One such project was the of rebuilding portions of the Tamiami Trail, a 264-mile roadway connecting Tampa and Miami, to eliminate the barrier the road created to the flow of water in the Everglades ecosystem while maintaining the important transportation connection between those two cities.

Estenoz's state-level work in Florida included serving in appointed positions under Governors Bush, Chiles and Crist, demonstrating her ability to work in a bipartisan manner. This included an appointment to the Governing Board of the South Florida Water Management District. Her professional experience also includes roles with the World Wildlife Fund and the National Parks Conservation Association.

The Department of the Interior has a critical role to play in the challenges facing our country today, from climate change to environmental injustice. We believe Shannon Estenoz is well equipped to address these challenges and ensure a bright future for our public lands, the communities that depend on them, and all those that visit them. We urge you to support her nomination.

Thank you for considering our views.

Sincerely,

Alaska Wilderness League
Audubon Florida
Born Free USA
Center for Biological Diversity
Christian Council of Delmarva
Clean Energy Action - Colorado
Conservancy of Southwest Florida
Defenders of Wildlife
Earthjustice
Empower our Future - Colorado
Endangered Habitats League
Environment America
Environmental Defense Fund
Environmental Law & Policy Center
Everglades Law Center
Florida Keys Environmental Fund, Inc.
Florida Defenders of the Environment
Florida Wildlife Federation, Inc.
Friends of the Sonoran Desert
Great Lakes Wildlife Alliance
GreenLatinos
Howling For Wolves

International Fund for Animal Welfare
Los Padres ForestWatch
National Audubon Society
National Ocean Protection Coalition
National Parks Conservation Association
National Wildlife Federation
National Wildlife Refuge Association
Native Plant Society of the United States
NY4WHALES
Ocean Conservancy
Oceana
Oceanic Preservation Society
Save the Manatee Club
Student Conservation Association
The Conservation Fund
The Trust for Public Land
The Wilderness Society
Tropical Audubon Society
Turner Endangered Species Fund
Western Nebraska Resources Council
Western Watersheds Project



PHONE	866-670-CFCW
WEB	CAPTAINSFORCLEANWATER.ORG
MAIL	P.O. BOX 1653 FORT MYERS, FL 33902
EMAIL	INFO@CAPTAINSFORCLEANWATER.ORG

April 19, 2021

The Honorable Thomas Carper, Chairman
The Honorable Shelley Moore Capito, Ranking Member
Senate Committee on Environment and Public Works
United States Senate
Washington, D.C. 20510

Dear Chairman Carper, Ranking Member Capito, and Members of the U.S. Senate Committee on Environment and Public Works:

We are writing on behalf of Captains For Clean Water, which was founded five years ago, from local fishing guides and outdoorsman in Florida.

Since our beginning, "Captains" has attracted member support from major interests in the hospitality industry, the outdoor boating and fishing industry, the tourism industry and from fishing guides throughout the United States.

We communicate with and hear from our membership on a variety of issues on a daily basis, which is the purpose and motivation behind our writing to you today.

On behalf of our over 50,000 members and supporters, we proudly support the confirmation of President Biden's nomination of Shannon Estenez for Assistant Secretary of Interior for Fish & Wildlife and Parks.

We have personally worked with Mrs. Estenez on a regular basis on Everglades restoration issues and can attest to her character, integrity and the professional manner in which she always conducted herself.

Assistant Secretary Estenez has a long history of building coalitions between agencies, tribal groups, outdoor recreation groups and conservation groups to advance policy and solutions for complex ecological restoration issues. Having served at the helm in various capacities, for the largest ecosystem restoration project in the world, Mrs. Estenez is an excellent choice to lead the Department of Interior's efforts to protect and restore our national parks and their fish and wildlife.





PHONE | 866-670-CFCW
WEB | CAPTAINSFORCLEANWATER.ORG
MAIL | P.O. BOX 1653
FORT MYERS, FL 33902
EMAIL | INFO@CAPTAINSFORCLEANWATER.ORG

Please communicate the Captains For Clean Water Organization support to whomever as appropriate through the confirmation process.

Thank you for your consideration.

In support for clean water,

Two handwritten signatures in black ink, one on the left and one on the right, appearing to be "D" and "C" respectively.

Daniel Andrews & Chris Wittman
Co-Founders, Captains For Clean Water

CC:
The Honorable Benjamin Cardin, MD
The Honorable Bernard Sanders, VT
The Honorable Sheldon Whitehouse, RI
The Honorable Jeff Merkley, OR
The Honorable Ed Markey, MA
The Honorable Tammy Duckworth, IL
The Honorable Debbie Stabenow, MI
The Honorable Mark Kelly, AZ
The Honorable Alex Padilla, CA
The Honorable James Inhofe, OK
The Honorable Kevin Cramer, ND
The Honorable Cynthia Lummis, WY
The Honorable Richard Shelby, AL
The Honorable John Boozman, AK
The Honorable Roger Wicker, MS
The Honorable Dan Sullivan, AK
The Honorable Joni Ernst, IA
The Honorable Lindsey Graham, SC





May 10, 2021

Hon. Thomas R. Carper, Chair
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Hon. Shelley Moore Capito, Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The National Park Hospitality Association (NPHA) appreciates the opportunity to submit its comments on the nomination of Shannon Aneal Estenoz to serve the nation as Assistant Secretary for Fish and Wildlife and Parks at the United States Department of the Interior. We support this nomination and urge her prompt confirmation.

NPHA represents businesses operating in national parks and providing necessary and appropriate visitors services, including food and beverages, lodging, transportation essential to access of key national park units including the Statue of Liberty and Alcatraz as well as vital internal transit, a variety of recreation and adventure opportunities ranging from rafting to equestrian to climbing, unique and essential retail offerings including Native American art and crafts, campground operations and more. Concessioners have operated in partnership with the National Park Service since the agency's creation and are responsible for private sector investments in vital infrastructure totaling billions of dollars in current value. We estimate serving in some manner nearly one in three visitors to national parks and have a workforce in park units of 25,000 persons, many career employees.

NPHA notes the range of the nominee's experiences, including leadership roles on public/private partnership efforts and on major national-scale issues. Her ability to foster bipartisan action is especially important for progress on parks and wildlife issues, continuing the important achievements of the Congress last year with passage of the Great American Outdoors Act. Her role as Assistant Secretary can make certain that implementation of that act encourages similar unifying action.

Park concessioners and their employees were seriously impacted by the pandemic. As Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, the nominee listened to information concessioners provided to the Department and oversaw the formation and offer of relief, via lengthened contracts, where declines exceeded 20% of sales – a nearly universal threshold. While this relief certainly does not provide full recovery from the damages encountered, it is a positive and effective action helping our industry to fully focus its expertise and skills on caring for our parks and serving visitors this summer and fall. We thank Shannon Estenoz for her role in supporting NPS' desire to act fairly and in a timely way.

We believe that Shannon Estenoz's proven communications skills, passion for the outdoors and belief in collaboration by government, industry and nonprofits on important national issues makes her an excellent choice to fill a post vital to our industry and all Americans who cherish our conservation and shared natural resources legacies. We urge a rapid and bipartisan approval of her nomination by both the Environment and Public Works Committee and the U.S. Senate.

Sincerely,

Derrick A. Crandall, Counselor

cc: Hon. Joe Manchin, Hon. John Barrasso, Hon. Angus King, Hon. Steve Daines



May 11, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the National Audubon Society, Audubon Florida, and our over 1.8 million members, we write to express our strong support for the confirmation of Shannon Estenoz to the position of Assistant Secretary of the Interior for Fish and Wildlife and Parks at the U.S. Department of the Interior.

For 115 years, Audubon has fought for common-sense solutions to protect birds and the resources that they and people alike need to thrive—clean air and water, intact habitat, flourishing marine and coastal resources, and a healthy climate. Audubon is our country’s oldest bird advocacy organization and one of the oldest conservation groups in the country. Audubon connects science, policy, and advocacy to provide measurable and scalable impact.

Ms. Estenoz comes to this nomination with nearly three decades of conservation experience. Much of the incredible progress in restoring America’s Everglades is a result of her collaborative approach to finding solutions. While leading the Office of Everglades Restoration Initiatives and the South Florida Ecosystem Restoration Task Force, Ms. Estenoz demonstrated a model for coordinating multiple federal and state agencies, advancing meaningful consultation with Tribes, and engaging with stakeholders across a broad array of often competing interests. Because of her reputation as a leader on Florida conservation issues, she was appointed by Governor Crist to the South Florida Water Management District, by Governor Bush to the Commission for the Everglades, and by Governor Chiles to the Commission for a Sustainable South Florida.

We support the confirmation of Ms. Estenoz to lead the Department of the Interior’s work through the National Park Service and the U.S. Fish and Wildlife Service because she understands the value of public lands and fish and wildlife habitat but can approach tough issues with a collaborative approach. We fully support her confirmation and look forward to working with her.

Sincerely,

Sarah Greenberger
Senior Vice President, Conservation Policy
National Audubon Society

Julie Wraithmell
Executive Director
Audubon Florida

May 10, 2021

The Honorable Chuck Schumer
Majority Leader, United States Senate
322 Hart Senate Office Building
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader, United States Senate
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Tom Carper
Chair, Senate Committee on Environment
and Public Works
513 Hart Senate Office Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
172 Russell Senate Office Building
Washington, DC 20510

***Re: Support for Confirmation of Shannon Estenoz as Assistant Secretary for Fish and Wildlife,
and Parks at the Department of the Interior***

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Carper, and Ranking Member Capito:

On behalf of the Bonefish and Tarpon Trust (BTT), I write to express BTT's support for Senate confirmation of Shannon Estenoz to be the Department of the Interior's Assistant Secretary for Fish and Wildlife and Parks.

Our mission at BTT is to conserve bonefish, tarpon, and permit—the species, their habitats and the fisheries they comprise. In Florida, a primary focus of our work has centered on Everglades restoration, which is needed to restore the flow of clean, fresh water to Florida Bay while, at the same time, preventing damaging releases into our estuaries from Lake Okeechobee. We have come to know and appreciate Ms. Estenoz's knowledge and tireless service to the Everglades. Her understanding of complex natural resources management issues, including those so essential to a healthy Everglades and south Florida, demonstrate her unique qualifications for this appointment.

A native Floridian, Ms. Estenoz understands the pressing need for federal investment in coastal resilience as a means of addressing and mitigating climate change. By investing in natural infrastructure projects, we can greatly improve the resiliency of coastal ecosystems, which will reduce the impacts of storm surges and inland flooding and drive down the cost of disaster recovery for our coastal communities. Coastal resilience projects also provide significant habitat benefits for species.

For these reasons, the Bonefish and Tarpon Trust strongly supports the nomination of Shannon Estenez to be the Assistant Secretary for Fish and Wildlife and Parks at the Department of the Interior.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim McDuffie". The signature is fluid and cursive, with the first name "Jim" being the most prominent.

Jim McDuffie
President & CEO
Bonefish & Tarpon Trust

May 6, 2021

The Honorable Joe Manchin
 Chairman
 Senate Energy & Natural Resources
 Committee
 304 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable John Barrasso
 Ranking Member
 Senate Energy & Natural Resources
 Committee
 304 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Thomas R. Carper
 Chairman
 Senate Environment & Public Works
 Committee
 410 Dirksen Senate Office Building
 Washington, DC 20510

The Honorable Shelley Moore Capito
 Ranking Member
 Senate Environment & Public Works
 Committee
 456 Dirksen Senate Office Building
 Washington, DC 20510

Dear Chairman Manchin, Chairman Carper, Ranking Member Barrasso & Ranking Member Capito:

On behalf of millions of hunters, anglers, outdoor enthusiasts, and land stewards from all fifty states, we write to express our strong support for the confirmation of Ms. Shannon Estenoz to serve as the next Assistant Secretary for Fish and Wildlife and Parks at the U.S. Department of the Interior (DOI).

Ms. Estenoz, a 5th generation Floridian, has dedicated her career to public service starting from her early tenure with the conservation non-profit community and culminating in her work to advance conservation of America's Everglades. Ms. Estenoz has been appointed by three Florida Governors, spanning both political parties, to the Governing Board of the South Florida Water Management District. During the Obama Administration, she served as the Department of the Interior's Director of Everglades Restoration Initiatives. In this role, she worked closely with both DOI agencies over which she will have jurisdiction in the Assistant Secretary role: the U.S. Fish and Wildlife Service and the National Park Service. She played a key leadership role in the conceptualization, initiation and completion of the Central Everglades Planning Project (CEPP). She also led the effort to secure a \$90 million partnership with the State of Florida for the construction of a 2.6-mile bridge on Tamiami Trail (US Highway 41) to allow water to flow into Everglades National Park.

As Executive Director of the South Florida Ecosystem Restoration Task Force, Ms. Estenoz convened, moderated, and led numerous interagency negotiations over issues including water quality, listed species, invasive species, operations, policy, project budgets and project planning. And until she was named Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Ms. Estenoz served as the Vice President of Policy & Public Affairs/Chief Operating Officer of the Everglades Foundation where she has worked closely with the Florida recreational fishing and conservation community to continue to advance restoration of the Everglades system.

Overall, Ms. Estenoz has a strong history of working cooperatively with federal, state, private and non-governmental organizations to achieve conservation outcomes. While the challenges facing the management of our shared natural resources are complex, we believe Ms. Estenoz has the experience and understanding to make decisions that reflect the ecological and economic importance of our wildlife, parks, and outdoor spaces for current and future generations. We urge your committees to approve the nomination of Ms. Shannon Estenoz so the Senate can act quickly to confirm her as the next Assistant Secretary for Fish and Wildlife and Parks.

Sincerely,

American Sportfishing Association
Angler Action Foundation
Archery Trade Association
Association of Fish and Wildlife Agencies
Backcountry Hunters and Anglers
Captains for Clean Water
Congressional Sportsmen's Foundation
Council to Advance Hunting and the Shooting Sports
Delta Waterfowl
Ducks Unlimited
Izaak Walton League of America
National Deer Association
National Fish and Wildlife Foundation
National Shooting Sports Foundation
National Wildlife Federation
National Wildlife Refuge Association
National Wild Turkey Federation
North American Grouse Partnership
Orion: The Hunter's Institute
Outdoor Industry Association
The Conservation Fund
The Trust for Public Land
Theodore Roosevelt Conservation Partnership
Wild Sheep Foundation
Wildlife Forever
Wildlife Management Institute

cc: Members of the Senate Environment and Public Works Committee
Members of the Senate Energy and Natural Resources Committee



Support the Nomination of Shannon Estenoz as Department of the Interior Assistant Secretary for Fish and Wildlife and Parks

May 9th, 2021

Dear Senator,

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our more than 1.6 million members and supporters nationwide, we urge you to support the nomination of Shannon Estenoz as Department of the Interior (DOI) Assistant Secretary for Fish and Wildlife and Parks.

Our national parks are symbols of conservation, historic preservation and our shared heritage. In the last four years, as we witnessed weakened protection for cultural resources, wildlife, waterways and the list goes on, the highest level of protection was not afforded to these incredible places. We can and must do better. The Biden-Harris Administration must address climate change head-on, ensure the federal government – and the park system – is welcoming to diverse communities, and reverse damaging policies that put at risk the water, air, wildlife, cultural and other resources that make our parks world-renowned.

Shannon Estenoz comes to this nomination with nearly three decades of environmental protection experience, much of it with the Department of the Interior. Whether working directly with stakeholders or coordinating across multiple federal agencies, Estenoz has demonstrated a consistent commitment to working collaboratively while protecting some of the country's most precious natural resources. Estenoz has also established herself as a professional with technical expertise on the protection of the Everglades, working previously as DOI's Director of Everglades Restoration Initiatives as well as DOI's Executive Director of the South Florida Ecosystem Restoration Task Force. During her tenure at DOI, Estenoz oversaw Everglades restoration projects like the building of the Tamiami Trail bridge, which required extensive conservation, tribal and other community considerations. Estenoz consistently prioritizes community and stakeholder needs and tribal consultation, ensuring that federal projects provide the public transparency so crucial to their success.

Estenoz also has a long record of bipartisan conservation work, previously serving in appointed positions under Florida Governors Bush, Chiles and Crist. Further, NPCA has special insight into

Headquarters
777 6th Street, NW, Suite 700
Washington, DC 20001
P 202.NAT.PARK | 800.628.7275

[NPCA.org](https://www.npca.org)



Estenoz's commitment to our national parks ecosystems, as she previously served as Regional Director of our Florida-based regional office. In that role, she enhanced our Florida Bay fisheries program to better engage the angling community and work with them to further protect critical fish habitat. In her role with NPCA, Estenoz handled some of the more challenging visitor use issues that face our National Park System. Whether balancing the needs of hunting and off-road users with resource management or launching a boater education course focused on habitat protection, Estenoz has upheld the Park Service's mandate to preserve resources for future generations.

The full story of America cannot be contained in a textbook or housed within a museum. The over 400 national parks, preserves, historic sites, seashores and more that comprise the National Park System begin to tell the story of the United States and its people. It is America's legacy to future generations and to the world. But this story is still incomplete, and its chapters often face revision at the hands of environmental, ideological and human threats. We look forward to working with Shannon Estenoz to ensure the best future for our national parks.

Thank you for considering our views.

Sincerely,



Theresa Pierno
President and CEO
National Parks Conservation Association

Headquarters
777 6th Street, NW, Suite 700
Washington, DC 20001
P 202.NAT.PARK | 800.628.7275

NPCA.org



May 11, 2021

Hon. Thomas R. Carper
Chair
Committee on Environment and Public
Works
United States Senate
Washington, D.C. 20510

Hon. Shelley Moore Capito
Ranking Member
Committee on Environment and Public
Works
United States Senate
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the Outdoor Recreation Roundtable (ORR), we would like to express our strong support for the nomination of Shannon Estenoz to be the next Assistant Secretary of Fish and Wildlife and Parks at the Department of the Interior. We are hopeful that the Senate will confirm Ms. Estenoz in a timely manner to ensure that the Department can move forward with supporting the \$788 billion outdoor recreation economy.

ORR is the nation's leading coalition of outdoor recreation trade associations – made up of 33 national members — as well as other nonprofit organizations and business entities — serving more than 110,000 businesses. According to the most recent data from the Bureau of Economic Analysis released last year, the recreation industry generated \$788 billion in economic output, accounted for 2.1 percent of GDP, supported 5.2 million jobs and was growing faster than the economy as a whole in every indicator.

As Assistant Secretary, Ms. Estenoz will help lead management policies for many of our nation's most important public lands and waters. Additionally, she will play a key role in implementation of the Great American Outdoors Act, which provides much-needed investments in the deferred maintenance backlog on public lands and waters, as well as full funding of the Land and Water Conservation Fund. Industry leaders who strongly supported these policies throughout the legislative process look forward to partnering with your committee and Department leadership on these important initiatives.

ORR is encouraged by the Biden Administration's goal to grow diversity, increase access and combat climate change through the America the Beautiful initiative. As former COO of the Everglades Foundation, former Executive Director of the South Florida Ecosystem Restoration Task Force and former Director of Everglades Restoration Initiatives at the Department of the Interior, Ms. Estenoz has extensive knowledge of the conservation issues facing our nation and the crucial role outdoor recreation plays in maintaining our public lands and waters. We look forward to working with Congress to make sure that through this initiative, Americans continue to have access to the public spaces that make outdoor recreation possible and that help to fuel so much of the nation's economy.

Additionally, we look forward to working with Ms. Estenoz and her team on the many issues that the Department will be leading on that impact outdoor recreation. From National Parks to fisheries habitat to trail and campsite maintenance, the Department is well positioned to ensure outdoor recreation supports the Build Back Better plan, revitalizes our economy and

provides equitable access to all forms of recreation for every American. We are hopeful that the Department will also work with the outdoor recreation industry on pending departmental rulemaking and decisions related to outdoor recreation that will allow our industry to continue to make important contributions to healthy people, places, communities and economies.

As the nomination process continues, we appreciate you considering ORR's support for Ms. Estenoz and hope that questions regarding outdoor recreation and its critical role in the wellbeing of America's families and economy are incorporated in the upcoming hearing.

We look forward to working with the Senate Environment and Public Works Committee in the 117th Congress on important issues for outdoor recreation that will help grow our industry and the nation's economy as a whole.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Turner", enclosed within a thin black rectangular border.

Jessica Turner
Executive Director

MARCO RUBIO
FLORIDA

United States Senate
WASHINGTON, DC 20510-0908

COMMITTEES:
APPROPRIATIONS
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP
SPECIAL COMMITTEE ON AGING

May 11, 2021

The Honorable Tom Carper
Chairman
Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20515

The Honorable Shelley Moore Capito
Ranking Member
Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20515

Dear Chairman Carper and Ranking Member Capito:

I write in support of the nomination of Shannon Estenoz to be Assistant Secretary of Fish and Wildlife and Parks of the Department of the Interior, and ask for the committee to favorably consider her nomination.

Over the course of her public service career, and as a private citizen, Ms. Estenoz has demonstrated an unwavering commitment to pragmatic environmental stewardship. In her previous role with the U.S. Department of the Interior as Director of Everglades Restoration Initiatives and Executive Director of the South Florida Ecosystem Restoration Task Force, Ms. Estenoz effectively coordinated the policy of three Interior agencies, the Fish and Wildlife Service, the National Parks Service, and the U.S. Geological Survey to align the Department's Everglades restoration efforts.

As a fellow Floridian, I have witnessed Ms. Estenoz's ability to fundamentally understand complex problems, and her willingness to work collaboratively to reach consensus on contentious issues. I am confident that Ms. Estenoz will be able to translate her effectiveness, and her disposition for acting in good faith, into her new role with the Department of the Interior.

Thank you for your consideration.

Sincerely,



Marco Rubio
U.S. Senator



www.corpsnetwork.org

May 7, 2021

The Honorable Tom Carper
Chairman
Senate Committee on Environment and Public Works
410 Dirksen Senate Building
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Senate Committee on Environment and Public Works
456 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito,

On behalf of The Corps Network, we write to express our strong support for the nomination of Shannon Estenoz as Assistant Secretary of Fish and Wildlife and Parks of the Department of Interior. We are hopeful that Ms. Estenoz can be confirmed in a timely manner to ensure the Department can continue to move forward with strong leadership in place.

The Corps Network represents the nation's 137 Service and Conservation Corps (Corps). Corps are locally-based organizations that engage young adults and recent veterans in service projects that address environmental and community needs in both rural and urban settings. Through their service, Corps participants gain work experience and develop in-demand skills. The Corps Network supports Corps by advocating on their behalf, providing access to funding and project opportunities, and offering expertise in Corps operations.

Modern Corps utilize cooperative agreements to partner with federal land management agencies to build and maintain trails, campgrounds, and other recreational facilities; address maintenance needs; restore habitats; treat invasive species; respond to wildfires and tree mortality; build and maintain urban parks and community gardens; respond to man-made and natural disasters and complete many other critical projects.

Ms. Estenoz will bring a depth of experience in this position at the Department of Interior. She has worked for twenty-four years in conservation and was most recently the Chief Operating Officer of The Everglades Foundation. She also has past experience working at the Department of Interior, serving as the Department's Director of Everglades Restoration Initiatives and as Executive Director of the South Florida Ecosystem Restoration Task Force. She has much needed experience in coordinating with multiple federal agencies, local communities and stakeholders. If confirmed, we are committed to working with Ms. Estenoz to promote continuity of Corps involvement in existing areas and growing the number of young people who serve on public lands and waters.

We strongly support Ms. Estenoz's nomination to serve as Assistant Secretary of Fish and Wildlife and Parks of the Department of Interior and look forward to working with her.

Sincerely,

Mary Ellen Sprekel
President & CEO

#CorpsWork #21CSC | 1275 K St. NW, Suite 1050 | Washington, DC 20005 | p: 202.737.6272 | f: 202.737.6277



Washington, DC Office
1300 I Street NW
Suite 520 West
Washington, DC 20005-3314
T: 202.898.9064

aem.org
aem@aem.org
Toll free: 866.236.0442

May 11, 2021

The Honorable Thomas Carper, Chairman
The Honorable Shelley Moore Capito, Ranking Member
U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Building
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the U.S. equipment manufacturing industry and the 1,000 companies that make up the Association of Equipment Manufacturers, we respectfully urge the confirmation of Radhika Fox to serve as Assistant Administrator for Water at the United States Environmental Protection Agency.

Equipment manufacturers are proud to support 2.8 million family-sustaining jobs – one in eight manufacturing jobs in the United States – that contribute \$288 billion to the nation's GDP and play a critical role in ensuring all American's basic needs such as shelter, clean water, education, and sustainable and reliable energy are met.

Ms. Fox's experience leading the U.S. Water Alliance will serve her well in building a better and more sustainable future for our nation. Equipment manufacturers have always valued Ms. Fox's commitment to working closely and collaboratively with the water infrastructure stakeholder community to solve our nation's greatest challenges and advance our shared priorities for the benefit of all Americans. We look forward to working with Ms. Fox on policies that impact the 2.8 million men and women of the equipment manufacturing industry – policies such as the Clean Water Act and the Safe Drinking Water Act. We are confident that Ms. Fox will provide the leadership needed to build a modern, sustainable water infrastructure and ensure that all Americans have access to safe, clean, and affordable water.

Please feel free to call on us to expand upon our rationale for supporting the nomination of Ms. Fox. Thank you for your consideration of our views.

Sincerely,

Dennis Slater
President
Association of Equipment Manufacturers

cc: Members of the Senate Committee on Commerce, Science, & Transportation



May 6, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of AlexRenew, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Located in Alexandria, Virginia, Alexandria Renew Enterprises (AlexRenew) is the Water Resources Recovery Facility (WRRF) that provides wastewater, interception, pumping, and treatment to the City of Alexandria and Fairfax County. AlexRenew serves more than 300,000 customers, and is designed to treat a maximum of 1.16 million gallons of wastewater daily, before discharging cleaned water into Hunting Creek, a tributary of the Potomac River.

AlexRenew staff has long followed the Radhika's work and efforts to support the water sector. Radhika is a dynamic leader and a consensus builder who unifies different factions of the water industry to cooperate for the common goal of One Water. Across the industry, Radhika is highly respected by her peers and is a proven public servant.

Radhika brings utility experience to the table having worked at the San Francisco Public Utilities Commission before becoming the US Water Alliance's CEO. She has been a leader in collaborative efforts to raise public and political will on infrastructure funding through her work on Value of Water Campaign. Radhika has elevated water's importance in America by working to promote Environmental Justice and equity strategies to resolve disparities in the delivery of clean water service to low income and minority communities countrywide.

Radhika's experience in both local and national leadership roles has demonstrated her awareness of how to adapt national frameworks to local situations, as she understands that there is no one-size-fits-all approach to water. Her approach to constructing balanced and inclusive approaches that are manageable was apparent through her work at the US Water Alliance and at SFPUC where she launched the first utility-based Community Benefits program.

AlexRenew believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her to support utilities like AlexRenew on addressing issues of pressing concern to the water sector.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen L. Pallansch".

Karen L. Pallansch, P.E., BCEE, WEF Fellow

CC: Ross Cooper, Legislative & Regulatory Policy Analyst
Allison Deines, Director of Policy and Strategy

1800 Limerick Street, Alexandria Virginia 22314 • 703-721-3500 • alexrenew.com

Alexandria's Water Transformers

Board of Directors

John Hill, Chair
James Beall, Vice Chair
William Dickinson, Sec'y-Treas
Bruce Johnson
Adriana Caldarelli

Chief Executive Officer

Karen L. Pallansch, P.E., BCEE

General Counsel

McGuireWoods, LLP



FloodCoalition.org

May 4, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of American Flood Coalition, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

American Flood Coalition is a nonpartisan group of cities, elected officials, military leaders, businesses, and civic groups that have come together to drive adaptation to the reality of higher seas, stronger storms, and more frequent flooding through national solutions that support flood-affected communities and protect our nation's residents, economy, and military installations. American Flood Coalition focuses on policies that strengthen our economy, invest in our cities and towns, and safeguard our national security.

American Flood Coalition knows Acting Assistant Administrator Fox to be a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities like those in American Flood Coalition's membership. Her experience is grounded in finding balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

Acting Assistant Administrator Fox's desire to make sure all stakeholders and voices have a seat at the table will also ensure that flood solutions reflect the unique needs and contexts of communities across the United States. She brings a strong set of relationships, respect, and trust across different stakeholder groups in this work.

American Flood Coalition believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on flood resilience efforts.

Sincerely,

A handwritten signature in black ink that reads "Melissa Roberts". The signature is written in a cursive style with a large, stylized initial "M".

Melissa Roberts
Executive Director
American Flood Coalition



**American Water Works
Association**

Dedicated to the World's Most Important Resource™

8666 West Quincy Avenue
Denver, CO 80235-3098
T 303.794.7711
www.awwa.org

April 28, 2021

The Honorable Thomas R. Carper
Chairman
Committee on Environment & Public Works
United States Senate
Washington, D.C.

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment & Public Works
United States Senate
Washington, D.C.

Dear Chairman Carper and Ranking Member Capito,

On behalf of the American Water Works Association (AWWA), we are writing to express our strong support for the nomination of Radhika Fox to be the next Assistant Administrator for Water at the Environmental Protection Agency.

Founded in 1881, AWWA is the largest organization of water supply professionals in the world. Our membership includes over 4,300 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our 51,000 total members represent the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most vital resource.

Ms. Fox has more than 20 years of experience in the water sector, advocating for water infrastructure investment, building diverse and inclusive coalitions, and advancing solutions to some of our nation's most pressing water challenges. Most recently, Ms. Fox served as CEO of the US Water Alliance, a national nonprofit organization advancing policies and programs that build a sustainable water future for all. Prior to leading the Alliance, she directed the policy and government affairs agenda for the San Francisco Public Utilities Commission.

At this critical moment, we strongly believe that Radhika Fox's unique experience and contributions make her the right person for the job. We urge her swift confirmation and look forward to working with EPA and the Office of Water under her leadership.

Sincerely,

Melissa Elliott
AWWA President

David LaFrance
AWWA CEO



8200 S. Quebec St.
 Ste A3-264
 Centennial, CO 80112
 T 720.404.0818
 Email: info@rmsawwa.org
 rmsawwa.org

May 3, 2021

The Honorable Thomas R. Carper
 Chairman
 Committee on Environment & Public Works
 United States Senate
 Washington, D.C.

The Honorable Shelley Moore Capito
 Ranking Member
 Committee on Environment & Public Works
 United States Senate
 Washington, D.C.

Dear Chairman Carper and Ranking Member Capito,

On behalf of the Rocky Mountain Section of the American Water Works Association (RMSAWWA), I am writing to express RMSAWWA's support for the nomination of Radhika Fox to be the next Assistant Administrator for Water at the Environmental Protection Agency.

As a section of the American Water Works Association, our members represent the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in protecting water, our most vital and precious resource.

Ms. Fox has more than 20 years of experience in the water sector, advocating for water infrastructure investment, building diverse and inclusive coalitions, and advancing solutions to some of our nation's most pressing water challenges. Most recently, Ms. Fox served as CEO of the US Water Alliance, a national nonprofit organization advancing policies and programs that build a sustainable water future for all. Prior to leading the Alliance, Ms. Fox directed the policy and government affairs agenda for the San Francisco Public Utilities Commission.

Drinking water and wastewater services are essential components of public health and have become even more critical during this time in our nation's fight to maintain our way of life. We strongly believe that Radhika Fox's unique experience and contributions make her the right person to fill the Assistant Administrator for Water position within EPA. We urge her swift confirmation and look forward to working with EPA and the Office of Water under her leadership.

Sincerely,

A handwritten signature in cursive script that reads "Ann Guiberson".

Ann Guiberson
 Executive Director
 Rocky Mountain Section
 American Water Works Association



May 4, 2021

The Honorable Alex Padilla
Committee on Environment & Public Works
United States Senate
Washington, D.C.

Dear Senator Padilla,

On behalf of the California-Nevada Section of the American Water Works Association (CA-NV AWWA), we are writing to express our strong support for the nomination of Radhika Fox to be the next Assistant Administrator for Water at the Environmental Protection Agency.

Founded in 1881, AWWA is the largest organization of water supply professionals in the world. Since 1920, the California-Nevada Section has pursued the Association's mission to educate and lead the water community in support of clean, safe, affordable water for all purposes.

Not only in California but across the nation, Ms. Fox is well known to the water sector as a champion for water infrastructure investment, building diverse and inclusive coalitions, and advancing solutions to some of our nation's most pressing water challenges. Most recently, Ms. Fox served as CEO of the US Water Alliance, a national nonprofit organization advancing policies and programs that build a sustainable water future for all. Prior to leading the Alliance, she directed the policy and government affairs agenda for the San Francisco Public Utilities Commission.

At this critical moment, we strongly believe that Radhika Fox's unique experience and contributions make her the right person for the job. We urge her swift confirmation and look forward to working with EPA and the Office of Water under her leadership.

Sincerely,

A handwritten signature in black ink that reads "Sue Mosburg". The signature is written in a cursive, flowing style.

Sue Mosburg
Executive Director

cc: The Honorable Thomas Carper, Chairman
The Honorable Shelley Moore Capito, Ranking Member
The Honorable Dianne Feinstein



May 4, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Association of Regional Water Organizations (ARWO), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

ARWO's mission is to promote the present and future effectiveness of regional water and wastewater systems in delivering resilient and affordable services – by advancing our policy priorities in Washington D.C. and providing expert resources to improve governance, management and operations.

Radhika brings utility experience, having worked at the San Francisco Public Utilities Commission then becoming the Alliance's CEO. We have witnessed her collaborative efforts to raise the public and political will on infrastructure funding through her work at the Value of Water Campaign. She has been a change leader on the extremely sensitive issue of water system fragment Consolidation.

We like Radhika's understanding of the importance in local solutions by rural communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

ARWO believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on regional water issues and policies that will benefit small community water systems.

Sincerely,

Jim Maras

Jim Maras, Executive Director
Association of Regional Water Organizations
maras@arwo.org
www.arwo.org



Black & Veatch Corporation
 8400 Ward Parkway, Kansas City, MO 64114 USA
 P +1 913 458 3603 E wallis-lagecl@bv.com

May 9, 2021

The Honorable Thomas R. Carper
 Chair, Senate Committee on
 Environment and Public Works
 Washington, D.C. 20510

The Honorable Shelley Moore Capito
 Ranking Member, Senate Committee on
 Environment and Public Works
 Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

As the President of Black & Veatch's water business, I am writing to express my enthusiastic support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Black & Veatch is a critical infrastructure leader. We provide engineering, procurement, consulting and construction services to public- and private-sector clients worldwide in support of water, power, telecommunications and data-focused assets. We annually rank near the top of multiple categories in *Engineering News-Record's* (ENR) "Top 500 Design Firms" Sourcebook, reflecting the strong position we maintain with clients seeking innovative, sustainable and cost-effective infrastructure solutions. Regarding water, we have served the industry for more than 100 years. Our expertise includes practically every system involved in sourcing, producing and delivering clean, reliable, affordable and resilient water.

Water is the lifeblood of every community. The interests of every stakeholder depend on it. While essential, water is finite. Every drop matters in a world facing challenges from the COVID-19 pandemic, climate change, urbanization, contaminants and pollutants, resource disparity and more. "One Water" is an approach to capturing the value of water in all its forms – raw water, drinking water, wastewater, stormwater, recycled water – through integrated and inclusive planning, optimization, recovery and reuse solutions.

During her tenure as its CEO, Radhika made One Water a centerpiece of the US Water Alliance's mission, strategies and initiatives. As an active sponsor of the organization, Black & Veatch and I, personally, have worked with Radhika promoting the concept of One Water stewardship. I have witnessed her dedication to developing common-ground solutions and transforming the way the nation values and manages water, to secure a sustainable future for all. In my opinion, she represents the type of leader our country needs now to head the EPA's Office of Water.

Radhika has a broad perspective gained through diverse experience. She can harness the passion of community-based advocacy. She is well-versed in the complexities of utility management. She understands policy making at a granular level. She willingly tackles complex issues and believes in the importance of developing locally tailored solutions to address a community's unique water challenges and needs. Collaborative and inclusive by nature, Radhika brings together, gives voice to and respects different points of view. She will build trust, find consensus and drive progress forward in support of the Biden administration's infrastructure goals.

Radhika's expertise, experience, vision and leadership will position her for success as Assistant Administrator for the EPA, and I strongly endorse her confirmation. Black & Veatch looks forward to working with her to promote resilient and sustainable communities through One Water solutions, policies and projects.

Sincerely,

Cindy L. Wallis-Lage
 Black & Veatch, President, Water Business



April 29, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on Environment and Public Works
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on Environment and Public Works
Washington, DC 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Bowman Environmental Consulting, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency. Bowman Environmental Consulting works with foundations, investors, and non-profit organizations to develop equitable and sustainable approaches to improve nation's water infrastructure.

I have worked with Radhika for several years, and I have found that her collaborative nature and desire to make sure all stakeholders and voices have a seat at the table has resulted in better, more implementable solutions. Radhika brings utility experience to EPA, having worked at the San Francisco Public Utilities Commission before becoming the US Water Alliance's CEO. Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

I believe that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. Bowman Environmental Consulting fully supports her confirmation. We look forward to working with her to help improve the nation's water systems to ensure everyone in the country has access to safe, abundant, and affordable water.

Sincerely yours,



Margaret Bowman

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

May 11, 2021

The Honorable Tom Carper
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The U.S. Chamber of Commerce supports the nomination of Radhika Fox to be Assistant Administrator for the Environmental Protection Agency's Office of Water, and we urge the Committee to advance her nomination.

In addition, Ms. Fox has worked to ensure that businesses and the groups that represent them are valued stakeholders in water infrastructure conversations. She has created platforms to convene stakeholders from the water sector and industry through her leadership on the steering committee of United for Infrastructure, and throughout her work at the U.S. Water Alliance.

Ms. Fox is steeped in the details of water infrastructure policy and the financial resources and technological innovation required to meet America's significant water needs. The Chamber anticipates that she will continue to be a leader for equity and affordability, including the promotion of access to safe drinking water for disadvantaged communities. We are also encouraged that Ms. Fox has already engaged with a wide range of stakeholders regarding their water priorities and has pledged to keep an open door for continued engagement on these important issues.

The Chamber and our members look forward to working with you and Ms. Fox in finalizing a national drinking water standard and accelerating the treatment, research and development activities needed to offer additional technologies and tools to clean up PFAS. We also support enhanced regulatory flexibility in meeting water quality limits, the establishment of streamlined permitting processes, and the promotion of public-private partnerships to mobilize the private capital currently sitting on the sidelines but otherwise available to invest in water infrastructure projects across our country.

The Chamber supports the nomination of Ms. Fox to lead EPA's Office of Water, and we appreciate the committee scheduling the May 12 hearing.

Sincerely,



Neil Bradley

cc: Members of the Senate Committee on Environment and Public Works



**Children's
Environmental
Health
Network**

BOARD OF DIRECTORS

Chair

James R. Roberts, MD, MPH
Professor of Pediatrics
Medical University of South
Carolina

Vice Chair

Dick Batchelor
President, Dick Batchelor
Management Group

Treasurer

Leyla Erk McCurdy, MPhil
Environmental Health Consultant,
and, Director Climate for Health
ecoAmerica

Secretary

Maida Galvez, MD, MPH
Professor, Preventive Medicine &
Pediatrics
Mount Sinai School of Medicine

Members

**Linda McCauley RN, PhD,
FAAN, FAACHN**
Dean and Professor, Nell
Hodgson Woodruff School of
Nursing
Emory University

Leslie G. Fields, Esq.

Director, Environmental Justice &
Community Partnerships
Program
Sierra Club

Mark Magaña

Executive Director
GreenLatinos

Gail C. Christopher, D.N.

Founder, Ntlanu Garden Center
for Healing & Nature
Former, Senior Advisor and Vice
President, W.K. Kellogg
Foundation

Adam Spanier, MD, PhD, MPH

Associate Professor, Department
of Pediatrics Division Head,
General Pediatrics
University of Maryland School of
Medicine

Sankar Sitaraman

Associate Professor,
Mathematics, Howard University

Nsedu Obot Witherspoon, MPH

Executive Director
Children's Environmental Health
Network

May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the Children's Environmental Health Organization (CEHN), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

CEHN is a national multi-disciplinary organization whose mission is to protect the developing child from environmental health hazards and promote a healthier environment.

Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

CEHN believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on ensuring that all children, especially children of color and low-wealth, have access to clean water.

Sincerely,

Nsedu O. Witherspoon, MPH
Executive Director



City of Bellevue

Utilities

May 4, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Bellevue Utilities (City of Bellevue, WA), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Bellevue Utilities provides high quality, essential services that customers rely on every day—drinking water, wastewater, storm and surface water, and solid waste. We take pride in making sure these services are dependable, a good value for the money, and delivered with the customer in mind. Bellevue Utilities has been nationally accredited by the American Public Works Association (APWA) continuously since 2004. We provide utility services for Bellevue and the nearby communities of Beaux Arts, Clyde Hill, Hunts Point, Medina, and Yarrow Point.

Bellevue Utilities commends the efforts of the Senate Environment and Public Works Committee to address the crucial public works needs facing our country. We recommend and hope you will support confirming Radhika Fox as the Assistant Administrator for Water.

Radhika Fox has more than two decades of experience in developing policies, programs, and issue-based advocacy campaigns. Her real-world experience includes directing policy and government affairs for the San Francisco Public Utilities Commission and serving as CEO of the U.S. Water Alliance, where she led the Value of Water Coalition and several other key initiatives that advance One Water practices, water service equity, workforce development, and infrastructure investment. During her brief tenure as Acting Assistant Administrator, she has shown herself to be an important advocate for including clean water infrastructure in infrastructure legislation.

Overall, we praise Radhika's collaborative nature and her desire to make sure all stakeholders and voices have a seat at the table. She has a willingness to tackle the large complicated issues present every day in our utility systems. Radhika understands the importance of tailored, local solutions, that reflect the unique needs of each community. This approach results in a balanced and inclusive approach that is manageable and practical.



Bellevue Utilities believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on replacing our aging infrastructure in a new, smart, and innovative way.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Otal".

Nav Otal, Utilities Director
City of Bellevue
450 110th Avenue NE
Bellevue, WA 98009-9012



May 4, 2021

The Honorable Thomas R. Carper
Chairman
Committee on Environment and Public Works
United States Senate
Washington DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington DC 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Clean Water Action and our members across the country, I am writing to urge the Committee to confirm Radhika Fox for the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency (EPA).

Radhika has a track record of bringing stakeholders together to hear each other's points of view and where possible to work for common goals. In her work at the US Water Alliance, she has helped foster innovative solutions to complex challenges in the water sector and mobilized diverse voices in support of those solutions. As the EPA Office of Water carries out programs around water pollution, drinking water, and wastewater, a nominee with a wide breadth of experience is essential and Radhika Fox has that experience.

Radhika has a track record of leadership as well as involvement and expertise in some of the most urgent issues facing the water sector and our precious water resources. In the next several years, we will mark the 50th anniversaries of both the Clean Water Act and the Safe Drinking Water Act. A proven leader with firm grounding in our water challenges is the right choice to ensure that we reinvigorate implementation of these landmark statutes. We strongly support Radhika Fox's nomination as Assistant Administrator for Water and urge you to move forward with confirmation.

I am happy to answer any question that you and Committee members have about our support for this nomination.

Sincerely,

A handwritten signature in black ink that reads "Lynn W. Thorp".

Lynn Thorp, National Campaigns Director
1444 I Street NW; Suite 400
Washington DC 20005
202-905-0420 x 109
lthorp@cleanwater.org

May 11, 2021

The Honorable Thomas R. Carper
Chair, Environment & Public Works Committee
U.S. Senate
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Environment & Public Works Committee
U.S. Senate
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the undersigned members and partners of the Clean Water for All Coalition, we are writing to express our support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The EPA Office of Water has the lofty task of protecting arguably our nation's most precious resource -- water. Our rivers, bays, lakes, and streams are vital to a healthy, climate-resilient environment and a vibrant economy, and they provide endless opportunities for swimming, fishing, boating, and other recreation. Above all, we need clean, safe drinking water to live healthy lives, raise children and nurture thriving communities.

We need an administrator for the Office of Water who understands that even though clean water is a basic human right, not all communities have equal access to clean, safe, affordable water. Low-income communities and communities of color have borne a disproportionate share of the burden of water pollution and failing water infrastructure in this country. These communities must be at the center of the Office of Water's work as it looks to rebuild after four years of disregarding science and putting polluters ahead of our clean water. Beyond reviewing and repairing the damage done during the last administration, there are many additional water challenges the Office of Water must address, such as a growing PFAS crisis, the impacts of climate change, nutrient pollution, and more.

The next Assistant Administrator for the Office of Water has a lot of work to do moving forward, but we believe Radhika Fox is uniquely positioned to take on these many challenges. Throughout her career, Ms. Fox has proven herself to be a leader that understands the value of listening to all stakeholders on an issue and works to ensure all voices are a part of the decision making process from the beginning. Because we all depend on clean water for our families, communities, and businesses, it is understandable that there are many different viewpoints, approaches and opinions when confronting water issues. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Ms. Fox built relationships, respect, and trust across different water stakeholder groups and often brought these different perspectives together to develop inclusive, balanced, and practical solutions. We believe her leadership and collaborative approach will help deliver safe, clean, affordable water for all.

As organizations devoted to safeguarding clean water, from the small local streams to the mighty rivers and awe-inspiring bays, we believe that Acting Assistant Administrator Fox's experience, expertise, and values ensure she can successfully lead the Office of Water in tackling our many water challenges and eliminating the systemic injustice that has kept clean water from too many communities for too long. We support her confirmation and look forward to working with her to deliver clean, safe, affordable water to everyone.

Sincerely,

A River Dammed
Alabama Rivers Alliance
Alliance for the Great Lakes
Alliance of Nurses for Healthy Environments
American Rivers
Black Millennials 4 Flint
Black Women's Health Imperative
Children's Environmental Health Network
Clean Water Action
Colorado Latino Forum
Community Water Center
Earthjustice
Environmental Defense Fund
Environmental Law & Policy Center
For Love of Water (FLOW)
GreenLatinos
Healthy Gulf
Lake Erie Waterkeeper
League of Conservation Voters
Milwaukee Riverkeeper
Milwaukee Water Commons
Mississippi River Collaborative
National Wildlife Federation
Natural Resources Defense Council
Onondaga Audubon
Redbudsuds
Save Our Sky Blue Waters
Save The Bay - San Francisco
Sierra Club
Sisters of St. Francis Assisi
Waterkeeper Alliance

Clean Water for All is a broad coalition of organizations who, working together with our partners, aim to elevate the importance of national safe and affordable clean water policies that support healthy communities, healthy ecosystems, cultural resources, and wildlife.

Elected
Rick M. Crosby, Chair
Susan I. Mellichamp, Vice-Chair
Diane D. Lauritsen, Ph.D., Secretary-Treasurer
H. Mac Jenkinson
Linda G. Page



Ex-Officio
Will Haynie, Mayor
Jake Rambo, Chair
Water Supply Committee, Town Council
Clay Duffie, General Manager

May 6, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

RE: Radhika Fox

Dear Friends,

On behalf of Mount Pleasant Waterworks, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Mount Pleasant Waterworks is a water and wastewater utility on the coast of South Carolina. Our organization has been an active member of the U.S. Water Alliance for several years and know Radhika Fox personally since joining the organization she led so well. Her leadership and professionalism was evident right away as we attended conferences together. She has the leadership and management skills to put together an effective staff dedicated to the mission of the One Water, One Future concept and the sustainability of our nation's water resources.

Overall Radhika's collaborative nature and desire to make sure all stakeholders have a seat at the table working for a sustainable water future for all is her strongest asset. She has proven it time and time again through her ability to understand and tailor solutions for local communities who are implementing innovative solutions, policies, and projects.

Mount Pleasant Waterworks believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on expanding our nation's use of reclaimed water to sustain a more reliable and resilient water supply now and in the future.

Sincerely,
Mount Pleasant Waterworks

Clay Duffie
General Manager

David Niese
Engineering Manager

COMMISSIONERS OF PUBLIC WORKS OF THE TOWN OF MOUNT PLEASANT



COLUMBIA RIVERKEEPER
 407 Portway Ave #301
 Hood River, OR 97031
 541.387.3030
www.columbiariverkeeper.org

May 5, 2021

The Honorable Thomas R. Carper
 Chair, Senate Committee on
 Environment and Public Works
 Washington, D.C. 20510

The Honorable Shelley Moore Capito
 Ranking Member, Senate Committee on
 Environment and Public Works
 Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Columbia Riverkeeper, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency (EPA).

Columbia Riverkeeper represents over 16,000 members and supporters who rely on clean water and healthy aquatic ecosystems in Washington, Oregon, and elsewhere in the Columbia River Basin. Columbia Riverkeeper is dedicated to protecting and restoring the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. We are a member of Waterkeeper Alliance, a global movement uniting more than 350 Waterkeeper groups around the world, focusing citizen action on issues that affect our waterways, from pollution to climate change.

Acting Assistant Administrator Fox is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Acting Assistant Administrator Fox built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

The Columbia River is one of the West's greatest river systems. This river supports rich fishing traditions, provides water for communities and agriculture, recreation opportunities, and many other uses. The river is also severely degraded by pollution. Toxic pollution threatens the health of people that eat local fish and jeopardizes the public's right to eat fish caught locally. Rising water temperatures also threaten the health of salmon and other aquatic life that rely on cool water for survival. In 2006, EPA designated the Columbia River Basin as a Critical Large Aquatic Ecosystem. The agency plays a pivotal role in the health of the Columbia and the people that rely on it.

Acting Assistant Administrator Fox is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new

solutions, policies, and projects. Columbia Riverkeeper believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on projects related to the Columbia River.

Sincerely,



Brett VandenHeuvel
Executive Director
Columbia Riverkeeper



May 2, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on Environment and Public Works
Washington, D.C. 20510

RE: SUPPORT -- Confirmation of Radhika Fox to Assistant Administrator for Water position at the U.S. Environmental Protection Agency

Dear Chair Carper and Ranking Member Capito,

On behalf of the Community Water Center (CWC), I am writing in support of the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency (USEPA). We believe there is no one better or more uniquely qualified for this position than Ms. Fox.

CWC is an environmental justice organization that works to secure safe and affordable drinking water for all Californians. Headquartered in California's Central Valley, we work alongside rural, largely Spanish-speaking farmworker communities, who have lacked access to safe and affordable water for years or decades. We seek to build a community-driven movement for water justice at the local, state and national level. We also actively seek out partnerships across a variety of stakeholder groups where possible – and Ms. Fox has time and again proven to be one of our strongest and most valuable partners.

CWC and Ms. Fox have had a strong partnership for years now. To give just one example, we watched gratefully as Ms. Fox, in her then role as the CEO of the US Water Alliance, helped transform the national conversation around water equity in the public water agency space. Ms. Fox has the rare ability to bring multiple differing voices into the room (from environmental justice to water agencies to agricultural entities to state government leaders), find the common themes, and then weave together a shared ground that helps advance the conversation and create real progress. You will be hard pressed to find a more gifted visionary and leader in the water space than Ms. Fox.

In short, she will make an extraordinary leader of the USEPA's Office of Water. We recommend her and support her confirmation to be Assistant Administrator for Water at the USEPA in the strongest possible terms. And we look forward to partnership with Ms. Fox on issues related to closing the rural water gap and implementing a national water affordability program, once confirmed.

*Community-driven water solutions through organizing, education, and advocacy.
Soluciones de agua impulsadas por la comunidad a través de la organización, educación y defensa al acceso al agua potable.*

www.communitywatercenter.org

716 10th Street, Suite 300
Sacramento, CA 95814
(916) 706-3346

900 West Oak Avenue
Visalia, CA 93291
(559) 733-0219

406 Main Street, Suite 421
Watsonville, CA 95076
(831) 288-0450



COMMUNITY WATER CENTER
EL CENTRO COMUNITARIO POR EL AGUA

For questions or if you would like to discuss further, please contact me at jonathan.nelson@communitywatercenter.org.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Nelson". The signature is fluid and cursive.

Jonathan Nelson
Policy Director
Community Water Center

*Community-driven water solutions through organizing, education, and advocacy.
Soluciones de agua impulsadas por la comunidad a través de la organización, educación y defensa al acceso al agua potable.*

www.communitywatercenter.org

716 10th Street, Suite 300
Sacramento, CA 95814
(916) 706-3346

900 West Oak Avenue
Visalia, CA 93291
(559) 733-0219

406 Main Street, Suite 421
Watsonville, CA 95076
(831) 288-0450



April 28, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Cooper's Ferry Partnership, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Cooper's Ferry Partnership's mission is to serve as a catalyst for the preservation and growth of a vibrant City of Camden, New Jersey. Through our work, we serve the traditionally underserved residents of Camden in neighborhood planning, economic development, arts and culture, and environment. Since 2011, Cooper's Ferry Partnership has led the award-winning Camden SMART Initiative, a comprehensive management strategy to combat the negative impacts of combined sewer overflows caused by excess stormwater on the City of Camden's aging combined sewer system, reconnect residents to the surrounding waterways, and educate the community on the impacts of lead in water.

Cooper's Ferry Partnership had the privilege of working with Radhika Fox and the US Water Alliance as a member of the Water Equity Taskforce. What stood out during our tenure together was her commitment to ensure that all voices had an equal seat at the table and her uncanny ability to translate complex challenges into language that was relatable for government, utilities, nonprofits, and communities. Most importantly, Radhika's commitment to equity has created a replicable framework for defining and advancing water equity that has transformed the landscape for water issues.

Cooper's Ferry Partnership believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on water infrastructure solutions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kris Kolluri", is written over a horizontal line.

Kris Kolluri, Esq.
President & CEO
Cooper's Ferry Partnership



May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Coosa Riverkeeper, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Coosa Riverkeeper works to protect, restore, and promote the Coosa River and its tributaries in Alabama. We patrol the waters, educate the public, and advocate for the river. Coosa Riverkeeper is a member of Waterkeeper Alliance, a global movement uniting more than 350 Waterkeeper groups around the world, focusing citizen action on issues that affect our waterways, from pollution to climate change. The Waterkeeper movement patrols and protects over 2.75 million square miles of rivers, lakes, and coastlines in the Americas, Europe, Australia, Asia, and Africa."

Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

Coosa Riverkeeper believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on holding polluters accountable.

For the Coosa,



Justinn E. Overton
Riverkeeper & Executive Director, Coosa Riverkeeper
justinn@coosariver.org | 205-981-6565

158



May 3, 2021

The Honorable Alex Padilla
Member
Committee on Environment & Public Works
United States Senate
Washington, D.C.

Dear Senator Padilla:

On behalf of the Community Water Systems Alliance, I write to express our organization's support for the nomination of Radhika Fox as Assistant Administrator for Water at the Environmental Protection Agency.

The Community Water Systems Alliance brings together large and small water providers in California, united by the principle of larger systems helping smaller ones in the interest of public health and community well-being for all. We believe Ms. Fox demonstrates the same commitment to accessible, safe, and affordable water for all people that binds our members together.

For over 20 years Ms. Fox has advocated for water infrastructure investment, built diverse and inclusive coalitions, and advanced solutions to the pressing water challenges facing our state and the nation. As CEO of the US Water Alliance, a national nonprofit organization, Ms. Fox has advanced policies and programs that build a sustainable water future for all. Prior to leading the Alliance, she directed the policy and government affairs agenda for the San Francisco Public Utilities Commission.

As the nation refocuses on critical water infrastructure needs, we strongly believe that Radhika Fox's unique experience and contributions make her the right person for the job. We urge her swift confirmation and look forward to working with EPA and the Office of Water under her leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Worley", is positioned above the printed name.

Timothy Worley, PhD
Managing Director
Community Water Systems Alliance

cc: Chair Thomas R. Carper, Committee on Environment and Public Works
Ranking Member Shelley Moore Capito, Committee on Environment and Public Works
Members, Committee on Environment and Public Works
The Honorable Dianne Feinstein

1370 N. Brea Blvd., Suite 134
Fullerton, CA 92835



May 5, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Dietel and Partners, I am writing to express our strong support for the confirmation of Radhika Fox as Assistant Administrator for Water at the U.S. Environmental Protection Agency.

We are a family-to-family philanthropic advising firm with offices in Washington, Virginia and Maine. Our business grew out of the Dietel family's collective experience on the giving and receiving sides of philanthropy. Our founder worked as president of the Rockefeller Brothers Fund for two decades and today four partners and a full-time team provide counsel to more than 15 clients across the United States. Together we have over 80 years of experience nurturing long term relationships with some of America's most influential families who trust our approach to philanthropy. As philanthropic stewards we have a balanced respect for the personal power and integrity of all involved with the work of addressing the pressing challenges our planet faces.

At D&P we strongly believe systems change is needed and the best decisions and solutions to problems are those which grow out of having all stakeholders at the table. Radhika's collaborative approach and ability to listen to all voices is emblematic of an approach we embrace as grantmakers and fieldbuilders. We have worked with many organizations around the globe who are seeking to secure a sustainable water future for all. We think Radhika has the vision and skill set to build the kind of trusted relationships necessary for addressing one of the most pressing and important issues of our time.

We applaud Radhika's efforts to involve the agriculture sector in water conservation efforts. Our firm has had a long history of working groups like American Farmland Trust, Sustainable Agriculture and Food Funders, Water Advocates, the Chesapeake Bay Funders and many others as they manage nonpoint source pollution and food security. The leadership and thought partnership Radhika brings to this work are desperately needed.

Dietel and Partners believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to partnering with her on systemic change aimed at creating healthier, sustainable, and economically secure communities .

Sincerely,


Elizabeth Dietel
Senior Partner

Betsy Dietel, Senior Partner

P.O. Box 219, Flint Hill, VA 22627

540.675.1025 | Betsy@DietelAndPartners.com | DietelAndPartners.com



2330 Marinship Way, Suite 120
Sausalito, CA 94965
C: 415.465.4423

4/21/2021

Via E-mail

Ranking Member Sen. Capito (Minority) –
456 Dirksen Senate
Washington, DC 20510
Phone: 202-224-6176

Chairman Sen. Carper (Majority) –
410 Dirksen Senate
Washington, DC 20510
Phone: 202-224-8832

Dear Chairman Carper and Ranking Member Capito:

I am writing on behalf of Ecosystem Investment Partners, an investment firm managing close to \$1 billion in committed capital that supports environmental restoration and conservation, sustaining a healthy economy, and safeguarding the resilience of our natural systems. I wish to express our strong support for Radhika Fox to be nominated as Assistant Administrator of the Office of Water at U.S. Environmental Protection Agency (EPA). Ms. Fox has the training and the experience to thoroughly qualify her for the post at this critical juncture for water and communities across the country.

Ms. Fox's work supporting the concept of "One Water" – moving towards a better integrated management and regulatory structure for water and out of the various 'silos' that now characterize public policy – is an example of the perspective she can bring to this important position. Water quality and predicatable supply are essential to all communities, and to all sectors of the economy.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Adam Davis".

Adam Davis
Managing Partner
adam@ecosystempartners.com



April 29, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Evoqua Water Technologies, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Evoqua Water Technologies is a leading provider of mission-critical water and wastewater treatment solutions, offering a broad portfolio of products, services and expertise to support industrial, municipal and recreational customers who value water. Evoqua has worked to protect water, the environment, and its employees for more than 100 years, earning a reputation for quality, safety and reliability around the world. Headquartered in Pittsburgh, Pennsylvania, the company operates in more than 160 locations across ten countries. Serving more than 38,000 customers and 200,000 installations worldwide, our employees are united by a common purpose: Transforming Water. Enriching Life®.

Evoqua is an active member of the US Water Alliance. In addition, I personally serve as a Board Member and in this capacity have worked with Radhika for the past 4 years. Radhika has been a leader in collaborative efforts to raise the public and political will on infrastructure funding through her work at the Value of Water Campaign. Evoqua is aligned with their Value of Water Campaign's important messaging for the need to close the water infrastructure funding gap.

Evoqua believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on water infrastructure including PFAS remediation and water reuse.

Sincerely,

A handwritten signature in cursive script that reads "Snehal Desai".

Snehal Desai
Executive Vice President and Chief Growth Officer
Evoqua Water Technologies, LLC



Protecting Water for Western Irrigated Agriculture

P.O. Box 216 Klamath Falls, OR 97601
(541)-892-6244 www.familyfarmalliance.org

April 23, 2021

The Honorable Tom Carper
Chairman
Committee on the Environment and Public Works
U.S. Senate
410 Dirksen Senate
Washington, DC 20510

The Honorable Shelley Capito
Ranking Member
Committee on the Environment and Public Works
U.S. Senate
456 Dirksen Senate
Washington, DC 20510

SEND VIA ELECTRONIC MAIL

Dear Chairman Carper and Ranking Member Capito:

On behalf of the Family Farm Alliance (Alliance), we appreciate the opportunity to strongly endorse Radhika Fox to serve as Assistant Administrator of the Office of Water at U.S. Environmental Protection Agency (EPA).

The Alliance is a grassroots organization of family farmers, ranchers, irrigation districts and allied industries in 16 Western states. The Alliance is focused on one mission: To ensure the availability of reliable, affordable irrigation water supplies to Western farmers and ranchers. We are also committed to the fundamental proposition that Western irrigated agriculture must be preserved and protected for a host of economic, sociological, environmental and national security reasons – many of which are often overlooked in the context of other national policy decisions.

Our organization works constructively with many federal departments and agencies, including EPA, which works to ensure that environmental protection is an integral consideration in U.S. policies concerning natural resources and agriculture, among other sectors. EPA's administrative rulemaking efforts can have very real implications for Western farmers and ranchers, and we have in the past worked constructively with the EPA Office of Water across Republican and Democratic administrations for over a decade to address those implications.

Radhika Fox is uniquely qualified to serve as our next Assistant Administrator of the Office of Water. Her training, experience and background will serve her well.

Due to her extensive engagement in policy and public discourse in her previous positions, Ms. Fox understands the implications of guidance and regulation but also the importance of authentic community engagement and the need to achieve quantified results on the ground.

In particular, h her work at the U.S. Water Alliance – an organization where I once served as a board member (albeit prior to her arrival) - was critical in advancing the concept of “One Water”, which stresses the cross-sector realities of how agriculture, hydropower, industry, and municipalities depend on this critical resource.

As the country considers an unprecedented set of investments in infrastructure, agency leadership must commit to ensuring that every dollar we spend on watershed health receives a full dollar of benefit. Radhika Fox is the type of leader to create the conditions to catalyze that work and ultimately see it through.

The Family Farm Alliance respectfully requests your support of Radhika Fox’s nomination as the next Assistant Administrator of the Office of Water at EPA. We know she will serve our Nation well in this important position.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Keppen', with a stylized flourish at the end.

Dan Keppen
Executive Director



May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Freshwater Future, I am writing to express our support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Freshwater Future is a catalyst for community action that helps move policies designed to safeguard the waters of the Great Lakes region. We are a collaborative and entrepreneurial organization that seeks perspective from diverse communities and individuals. We build partnerships and collaborations, work to ensure equity in the solutions we advocate, and value residents' knowledge and abilities in our work to protect and restore the health of all the waters in the Great Lakes region. For over 25 years, Freshwater Future has helped grassroots and community groups around the region protect their waters and make their communities more sustainable.

Radhika Fox's experience in and with water utilities, as well as community groups to advance affordable water and water democracy is why Freshwater Future supports Ms. Fox's nomination. Radhika Fox has built strong relationships with the water sector and community level organizations and as such, she has the ability to bring the water sector and community level organizations together to create programs that protect water quality and provide affordable water for the approximately 330 million residents of the United States. In addition, more and more utilities are looking to regionalize or consolidate in the name of making water more affordable, Ms. Fox knows that sometimes regionalization and consolidation do not necessarily mean more affordable water. In either case, she knows the community must want regionalization or consolidation, be part of the decision-making process for how the utility becomes regionalized or consolidated, and the community must retain ownership of the water utility.

Freshwater Future believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We support her confirmation and look forward to working with her on ensuring every person has equal access to safe, clean, and affordable water.

Sincerely,
Kristy Meyer, M.S.
Associate Director
Freshwater Future
(614) 638-8948
Kristy@FreshwaterFuture.org



May 7, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Galveston Bay Foundation, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for the Office of Water at the U.S. Environmental Protection Agency. Galveston Bay Foundation (GBF) is a 501(c)(3) organization founded in 1987 whose mission is to *preserve and enhance Galveston Bay as a healthy and productive place for generations to come.*

Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

Galveston Bay Foundation believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on making our water infrastructure more resilient in Texas.

Sincerely,

Danielle Goshen
Water Policy & Outreach Specialist,
Galveston Bay Foundation



April 30, 2021

The Honorable Thomas R. Carper
Chairman
Committee on Environment & Public Works
United States Senate
Washington, D.C.

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment & Public Works
United States Senate
Washington, D.C.

Dear Chairman Carper and Ranking Member Capito,

On behalf of the Georgia Section of the American Water Works Association (AWWA), we are writing to express our strong support for the nomination of Radhika Fox as the next Assistant Administrator for Water at the Environmental Protection Agency.

The Georgia Section of the American Water Works Association has its roots in the Southeastern Section AWWA, formed in 1928; as association membership in Georgia grew, the section eventually became a standalone section of AWWA in 1988. The Georgia Section membership now includes approximately 1,000 individual members and includes representatives of over 100 of the largest utilities in the state that supply approximately 70 percent of the state's drinking water and treat roughly half of the state's wastewater. Our members represent the full spectrum of the water community: public and private water and wastewater systems operators, utility managers, engineers, environmental advocates, scientists, suppliers, and others who have a genuine interest in water, our most vital resource. GAWWA's mission is to promote public health, safety, and welfare, strengthen public confidence in drinking water, and encourage resource stewardship.

Ms. Fox has more than 20 years of experience in the water sector. Most recently, Ms. Fox served as CEO of the US Water Alliance, a national nonprofit organization advancing policies and programs that build a sustainable water future for all. The US Water Alliance worked to advocate for water infrastructure investment, build diverse and inclusive coalitions, and advance solutions to water challenges, including working directly and collaboratively with leading utilities in Georgia.

We strongly believe that Radhika Fox's unique experience and contributions make her the right choice to help lead EPA into the future. We urge her swift confirmation and look forward to working with EPA and the Office of Water under her leadership.

Sincerely,

Stephen L. Simpson, P.E., Env S.P.
Director, Georgia Section American Water Works Association



May 3rd, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 2051

Dear Chair Carper and Ranking Member Capito,

On behalf of GreenLatinos, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

GreenLatinos is a national non-profit organization that convenes an active *comunidad* of Latino/a/x leaders, emboldened by the power and wisdom of our culture, united to demand equity and dismantle racism, resourced to win our environmental, conservation, and climate justice battles, and driven to secure our political, economic, cultural, and environmental liberation. We envision a healthy and equitable society where communities of color are liberated from disproportionate environmental burdens, free to drink pure water, and have affordable drinking water. We believe that water is a human right, *agua es vida*.

We are confident Radhika's deep commitment to water infrastructure and equity will improve our nation's public health, crumbling drinking water and wastewater infrastructure all while being committed to environmental justice. Her leadership has impacted the water sector in countless positive ways including but not limited to: helping lead the charge at the U.S. Water Alliance to create a framework defining and advancing water equity bring together diverse stakeholders—utilities, public agencies, community organizations, environmental groups, agricultural interests, labor, researchers, artists and culture bearers, and many others—to find common ground solutions to our nation's most pressing water challenges. Radhika was essential in launching the first utility-based Community Benefits program while working for the SFPUC; helping define the water access gap in the US; and more than a decade of work at the intersection of equity and infrastructure at PolicyLink as federal policy director. She has helped define the water access gap here in the U.S.

Radhika is trusted and respected across different water stakeholder groups. She is a leader who is driven by collaboration, innovation, and bringing people together around positive solutions to our nation's water challenges. She deeply understands the importance of considering local and regional solutions that reflect the unique needs of communities and all its members. This has resulted in inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

GreenLatinos believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on confronting long standing water inequities.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Magaña".

Mark Magaña
Founding President & CEO
GreenLatinos

Gulf Coast Center for Law & Policy

P.O. Box 784
Slidell, Louisiana 70459
985.643.6186 office
985.643.6118 fax
www.gcclp.org



May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, DC 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Gulf Coast Center for Law & Policy (GCCLP), I would like to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the US Environmental Protection Agency. GCCLP is a non-profit, public interest law firm and justice center with a mission to advance structural shifts toward climate justice and ecological equity in communities of color on the frontline of climate change. GCCLP envisions social, economic and political systems throughout the Gulf South that promote equity and justice for all people.

Through our work co-chairing the Water Equity and Climate Resilience Caucus, we have had a strong working relationship with Ms. Fox for years now. We can attest to her capability as a leader and her dedication to the values of clean and safe water. She has technical expertise on water policy, but she also has a commitment to justice and making sure that water is available to all people, regardless of income or social status. It is fair to say that Ms. Fox is a big reason that water equity has become a priority issue in federal water policy.

Having already met with Ms. Fox since her start at the EPA to discuss agency priorities, we know that she shares our values of listening to and prioritizing frontline communities. Because of her vision and commitment to collaborative policy making, we are happy to support her nomination to EPA. We urge the Senate to confirm the nomination, so we can continue to rebuild trust and strengthen the relationship between working people and the federal government.

Sincerely,

Colette Pichon Battle, Esq.
Executive Director, Gulf Coast Center for Law & Policy
Co-chair, Water Equity and Climate Resilience Caucus



**Gulf Coast
Sustainable Growers' Alliance
P.O. Box 927
Biloxi, MS 39533**

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

May 2nd, 2021

Dear Chair Carper and Ranking Member Capito,

On behalf of the Gulf Coast Sustainable Growers Alliance (GCSGA), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The GCSGA is a 24-member group of South Mississippi home growers, community gardeners, family farmers, healthy food practitioners, and coastal restoration advocates. In addition to sustainable food production, GCSGA supports rural development, access to healthy and affordable drinking water, and increased opportunities for South Mississippians. While primarily working to increase access to local, fresh and healthy food/seafood for all, GCSGA also works to increase awareness and economic opportunity for small farmers/gardeners, African-Americans, and people of color via Coastal restoration, renewable energy, and environmental education.

GCSGA believes Ms. Fox is an excellent nominee for the EPA Assistant Administrator for Water due to her prioritization of long-overlooked failures to ensure access to safe drinking water and sanitation for everyone. Many of today's water equity projects are due to her commitment, leadership, and years of dedicated effort. Ms. Fox has an expansive background in water issues and full understanding of, and support for, locally-focused solutions. Further, her collaborative approach ensures that all stakeholders are heard and considered. Such an approach will enable and amplify locally-led strategies across the Mississippi Coast and throughout the State. Ms. Fox's appointment will prove good for GCSGA; good for Mississippians experiencing water quality, water access, and climate resilience issues; and good for all Mississippians in need of continued opportunities via Environment and Public Works policy implementation.

GCSGA is confident that Acting Assistant Administrator Fox's values, experience, expertise, and inclusiveness will make her a great fit for Assistant Administrator for EPA's Office of Water. We fully support Acting Assistant Administrator Fox's confirmation and look forward to working with EPA's Office of Water on water access, water affordability, and coastal climate resiliency.

Sincerely,

Ya-Sin Shabazz,
Gulf Coast Sustainable Growers Alliance

education
conservation
cooperation



May 4, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper, Ranking Member Capito, and Members of the Senate Committee on Environment and Public Works;

On behalf of the Hill Country Alliance, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The Hill Country Alliance (HCA) works across 17 counties of Central Texas to bring together an ever-expanding alliance of individuals, community leaders, businesses and nonprofit organizations to protect the long term character of the Texas Hill Country. Central to our mission is protecting the springs, aquifers, creeks, and rivers of our region. These water resources, which support the economic and environmental vitality of a wide swath of Texas, are under immense pressure from rapid population growth and disconnected management frameworks. The Hill Country represents a microcosm of the water challenges we face as a nation. Prolonged droughts, catastrophic flooding, increased water demand, changing weather patterns, and sensitive natural resources come together to form a “perfect storm” of circumstances that challenge our ability to manage water for a resilient future.

At the same time, our region enjoys incredible *opportunity* to embrace new ways of ensuring our future water resilience, and Radhika Fox has single handedly catalyzed many of those conversations. When Radhika and the US Water Alliance selected Austin as the 2019 venue for her One Water conference, she spurred important collaborations that brought utilities, engineers, nonprofits, and community leaders together. The spotlight that her conference provided, coupled with the one-one-one support that Radhika and her team provided for our Austin, San Antonio, and Hill Country delegations, have launched meaningful change to water management dialogues in our region. In the time that we have worked together, Radhika has been an enthusiastic, professional, and passionate supporter for pushing the envelope on creative water solutions that are inclusive, forward-thinking, and place based.

Beyond her work in Texas, Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. This is particularly important to regions like the Texas Hill Country as the administration makes new investments in water infrastructure. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships,

respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

HCA believes that Radhika's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on planning for resilient water resources in the state of Texas.

Please don't hesitate to reach out to me at Katherine@hillcountryalliance.org or 512-410-9368 with any questions regarding the contents of this letter.

Sincerely,



Katherine Romans
Executive Director
Hill Country Alliance



Office of
Kenneth E. Rigmaiden
General President

410-564-5915
1-800-437-7347
Fax 1-866-656-4124

ONE VOICE

Representing
Protective and Decorative
Coatings Applicators •
Wallcoverers • Drywall Finishers
• Painters • Decorators • Scenic
Artists • Designers • Civil Service
Workers • Shipyard Workers •
Maintenance Workers • Building
Cleaners • Metal Polishers
• Metalizers • Public Employees
• Clerical Workers • Professional
Employees • Security Guards
• Safety Engineers • Bridge
Painters • Riggers • Tank Painters,
Marine Painters • Containment
Workers • Waterblasters •
Vacuum Cleaners • Sign
Painters • Sign and Display
Workers • Bill Posters • Convention
and Show Decorators and
Builders • Paint Makers •
Glaziers • Architectural Metal
and Glass Workers • Sandblasters
• Lead Abatement Workers •
Flooring and Decorative
Coverings Workers • Journeyman
and Apprentice Commercial,
Industrial, Highway, Residential
Construction Workers

ONE AGENDA

7234 Parkway Drive
Hanover, MD
21076

Organizing Since 1887



INTERNATIONAL UNION OF PAINTERS AND ALLIED TRADES, AFL-CIO

April 26, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, DC 20510

Dear Chair Carper and Ranking Member Capito:

On behalf of the International Union of Painters and Allied Trades (IUPAT), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The IUPAT represents workers in the Finishing Trades in a variety of crafts including industrial and commercial painting, drywall finishing, glazing and glass work, wall and floor covering, and more. A large part of the work the IUPAT does is dedicated to modernizing and repairing our roads, bridges, buildings, airports, the energy grid, and water systems. We understand the vital importance of protecting our water infrastructure by utilizing the latest technology in anti-corrosion coatings. We are training a diverse workforce to recognized third party industry standards creating a career path for certified applicator specialists in corrosion prevention. This will assist in protecting the environment as well as taxpayer investments and will positively impact communities through the creation of good jobs and sustainable systems.

Over the past few years, we have had the opportunity to work with Ms. Fox in her role as CEO of the US Water Alliance. Her collaborative nature, her vision of a sustainable water future for all, and her skill at bringing a variety of stakeholders to the table make her an excellent candidate for the position of Assistant Administrator for Water at the EPA. Ms. Fox understands that innovation must be bold but must also consider the unique and specific needs of local communities.

The IUPAT supports the confirmation of Ms. Fox not only because of her breadth of experience and expertise, but because of the incredible skill she brings to the work. The EPA's Office of Water deserves the strong leadership of Ms. Fox and we fully support her confirmation and look forward to working with her to bolster our nation's water systems.

Sincerely,

Kenneth E. Rigmaiden
General President

dmb/iupat 1937
I/IUPAT



21 April 2021

Ranking Member Sen. Capito (Minority) –
456 Dirksen Senate
Washington, DC 20510
Phone: 202-224-6176

Chairman Sen. Carper (Majority) –
410 Dirksen Senate
Washington, DC 20510
Phone: 202-224-8832

SEND VIA ELECTRONIC MAIL

Dear Chairman Carper and Ranking Member Capito:

I am writing today in my role as Director of the Iowa Soybean Association (ISA) Research Center for Farming Innovation to express our support of the nomination of Radhika Fox to serve as Assistant Administrator of the Office of Water at U.S. Environmental Protection Agency (EPA).

The ISA is the largest state-based row-crop commodity association in the U.S. We support over 40,000 Soybean farmers with an annual production on over 10 million acres. ISA's Research Center for Farming Innovation is working to advance programs actively engaging farmers across Iowa on their geographically relevant challenges and opportunities. Our soybean farmers understand the direct tie between growing crops, conservation, and environmental performance. Strong soils and robust water management are keys to our production system performing. Reducing sediment loss, sequestering carbon, and improving water quality also have a direct and positive impact on the bottom line of farmers and quality of life for our families, neighbors, and communities.

Under Ms. Fox leadership as CEO of the U.S. Water Alliance, a 'One Water' vision has transformed the way we think about and manage water. During her tenure at the Alliance, farmers and ISA staff worked closely to advance One Water initiatives. Our collaboration enhances water resources management benefiting farmers, production agriculture and urban communities. Outcomes include improved water quality, flood mitigation and recreation, enhanced city infrastructure, improved ag, industry, manufacturing, research outcomes and climate adaptation to realize a more sustainable future for water. Ms. Fox understands how water management issues are interwoven with the fabric of rural and urban communities and that farmers must be part of the team and beneficiaries of this work. This integration is key for making real and long-lasting progress on protecting and improving water in the 21st century.

In closing we support this nomination, and we stand ready to work constructively to ensure a healthy water future for our farmers, the state of Iowa and all Americans. We are confident Ms. Fox role at EPA will be impactful and beneficial for farmers. We look forward to working with her while growing yields, uses, and markets for Iowa-grown soybeans.

Sincerely,

Roger Wolf, rwolf@iasoybeans.com

1255 SW Prairie Trail Parkway • Ankeny, IA • 50023
Phone (515) 251-8640 • FAX (515) 251-9657 • www.iasoybeans.com

May 17, 2021

The Honorable Tom Carper
Chairman
U.S. Senate Committee on Environment
and Public Works
Washington, D.C. 20515

The Honorable Shelley Moore Capito
Ranking Member
U.S. Senate Committee on Environment
and Public Works
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

I write in support of Rhadika Fox, the President's nominee for the position of EPA Assistant Administrator for Water.

Rhadika and I have worked together since 2012, when I was President of the 501(c)(3) charitable nonprofit U.S. Water Alliance (USWA) and she was a senior official of the San Francisco Public Utilities Commission, a very active member of the Alliance and its Value of Water Campaign. She impressed public and private sector water leaders on her abilities to find common ground and skillfully advocate for integrated "One Water" policies throughout the country. She rose to become chief executive officer of USWA several years ago and has done excellent work to grow the organization's positive impact for equity and sustainability.

Since I became Secretary of the Maryland Department of the Environment (MDE), I have had the opportunity to work with Rhadika and her USWA colleagues on water policy priorities in Maryland and other states through the National Governors Association. In the last three months, in her new role as Deputy Assistant Administrator for Water at EPA, she has been very helpful and responsive to MDE on Chesapeake Bay and Maryland related matters.

Rhadika is well qualified to organize, inspire, and lead EPA's national water program and the many diverse constituencies who shape our water future.

Please don't hesitate to contact me if I can provide further information or assistance to you, colleagues, or staff, at 202-642-0811 cell, at bhgrumbles@gmail.com.

Sincerely,



Ben Grumbles



May 4, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Milwaukee Water Commons, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Milwaukee Water Commons is a 501c3 cross-city network that fosters connection, collaboration, and broad community leadership on behalf of our waters. We promote stewardship of, equitable access to, and shared decision-making for our common waters. Through our work, MWC is helping to catalyze Milwaukee as a true water city – a place where we all have a stake in the health of our waters and share in their care and their benefits. MWC has a long history building partnerships both in the communities we serve and with government, utility, environment and health stakeholders.

Radhika's collaborative nature and emphasis on making sure all stakeholders and voices have a seat at the table are powerful traits that set her apart for this position. She carries a vision of a sustainable water future for all and has prioritized equity and access throughout her career. She exemplifies a willingness to tackle complicated issues, bring together multi-sector cohorts, and build relationships of respect and trust across different water stakeholder groups. We have worked most closely with her in her tenure with the US Water Alliance through the Water Equity Task Force program. Our work in Milwaukee has greatly benefitted from her leadership and vision.

Milwaukee Water Commons believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on advancing water equity and safeguarding our shared waters for future generations.

Sincerely,

Brenda Coley
Co-Executive Director
Milwaukee Water Commons

Kirsten Shead
Co-Executive Director
Milwaukee Water Commons



May 5, 2021

The Honorable Thomas R. Carper
Chairman
Committee on Environment & Public Works
United States Senate
Washington, D.C.

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment & Public Works
United States Senate
Washington, D.C.

Dear Chairman Carper and Ranking Member Capito,

On behalf of the Missouri Section of the American Water Works Association (MO-AWWA), we are writing to express our strong support for the nomination of Radhika Fox to be the next Assistant Administrator for Water at the Environmental Protection Agency.

Founded in 1881, AWWA is the largest organization of water supply professionals in the world. Our membership includes over 4,300 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our 51,000 total members represent the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most vital resource.

Ms. Fox has more than 20 years of experience in the water sector, advocating for water infrastructure investment, building diverse and inclusive coalitions, and advancing solutions to some of our nation's most pressing water challenges. Most recently, Ms. Fox served as CEO of the US Water Alliance, a national nonprofit organization advancing policies and programs that build a sustainable water future for all. Prior to leading the Alliance, she directed the policy and government affairs agenda for the San Francisco Public Utilities Commission.

At this critical moment, we strongly believe that Radhika Fox's unique experience and contributions make her the right person for the job. We urge her swift confirmation and look forward to working with EPA and the Office of Water under her leadership.

Sincerely,

A handwritten signature in black ink that reads 'Mike Klender'.

Mike Klender
Chair, Missouri Section American Water Works Association



700 West Liberty Street | Louisville, KY 40203-1911
 Phone: 502.540.6000 | LouisvilleMSD.org

May 5, 2021

The Honorable Thomas R. Carper
 Chair, Senate Committee on
 Environment and Public Works
 Washington, D.C. 20510

The Honorable Shelley Moore Capito
 Ranking Member, Senate Committee on
 Environment and Public Works
 Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the Louisville and Jefferson County Metropolitan Sewer District, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The Louisville/Jefferson County Metropolitan Sewer District (MSD) works to achieve and maintain clean, environmentally safe waterways for a healthy and vibrant community. The organization's more than 670 employees provide wastewater management, drainage and flood protection services across the 376 square miles of Louisville Metro, and wastewater service in portions of Oldham County. In addition to operating and maintaining Louisville Metro's sewer system, floodwall system, water quality treatment centers and flood pumping stations, MSD invests in hundreds of infrastructure improvement projects each year, plants more than 1,000 trees and other vegetation annually to enhance water filtration and reduce runoff, and provides numerous outreach programs to inform and educate the community about protecting our waterways.

Radhika's collaborative nature, and desire to make sure all stakeholders and voices have a seat at the table has produced lasting outcomes in the water sector. Her vision of a sustainable and equitable water future for all has united the public, private and community sectors. Radhika's willingness to tackle big complicated issues, coupled with her relationships, respect, and trust across different water stakeholder groups is paramount and extremely value to this role.

Radhika brings utility experience to the table having worked at the San Francisco Public Utilities Commission (SFPUC), before becoming the CEO of the U.S. Water Alliance. She has been a leader in collaborative efforts to raise the public and political will on infrastructure funding through her work at the Value of Water Campaign. She has also tackled the extremely sensitive issue of water system fragment consolidation and change Leadership.

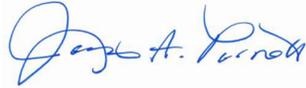
Radhika is also a dedicated and proven equity champion. She helped lead the charge at the Alliance by creating a national framework of 17+ cities convened to define and advance water equity. Radhika launched the first utility-based Community Benefits program while working for the SFPUC, a program that is still thriving and helping underserved ratepayers today. She has

Radhika Fox Support Letter
May 5, 2021
Page 2

more than a decade of work at the intersection of equity and infrastructure at PolicyLink where she helped define the water access gap in the U.S.

Louisville MSD believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on environmental justice issues and raising the profile of disinvested communities in need of access to funding, training and education, jobs and wholistic community wealth building.

Sincerely,

A handwritten signature in blue ink that reads "James A. Parrott". The signature is fluid and cursive, with the first name being the most prominent.

James A. Parrott
Executive Director



NATIONAL LATINO FARMERS & RANCHERS TRADE ASSOCIATION
1029 Vermont Avenue, NW, Suite 601
Washington, DC 20005
202-628-8833 ▼ Fax: 202-393-1816

May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the **National Latino Farmers & Ranchers Trade Association (NLFRTA)**, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The **National Latino Farmers & Ranchers Trade Association (NLFRTA)** was founded in August of 2004 in Washington, D.C after working with many farmworkers transitioning into farmers, ranchers and multiple advocacy groups for several years. Oftentimes, federal agencies such as the U. S. Department of Agriculture (USDA), the Forest Service, Environmental Protection Agency (EPA), among others, and mainstream and established farm groups tend to treat the issues of Latino farmers as an afterthought in policy formulation, if at all. As rural people, Agriculture and Farm policy significantly impacts Latino rural communities.

Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

The National Latino Farmers & Ranchers Trade Association believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on SOMETHING OUR ORGANIZATION BELIEVES STRONGLY IN.

If you would like additional information, please contact Rudy Arredondo at latinofarmers@live.com, or 301-366-8200.

Sincerely,

A handwritten signature in black ink that reads "Rudy Arredondo". The signature is written in a cursive, flowing style.

Rudy Arredondo
President/CEO



Scott Taylor
California Stormwater Quality Association
Chair

Randy Neprash
Minnesota Cities Stormwater Coalition
Vice Chair

Jennifer Watson
Tennessee Stormwater Association
Treasurer

Member Organizations

Alabama Stormwater Association
Arizona Stormwater Outreach for Regional Municipalities
California Stormwater Quality Association
Central Massachusetts Regional Stormwater Coalition
Colorado Stormwater Council
Eastern Connecticut Stormwater Collaborative
Georgia Association of Water Professionals
Indiana Association for Floodplain & Stormwater Management
Iowa Stormwater Education Partnership
Kentucky Stormwater Association
Louisiana Urban Stormwater Coalition
Maine Water Environment Association
Montana MS4 Communities
Minnesota Cities Stormwater Coalition
Nebraska Floodplain & Stormwater Managers Association
Pennsylvania Water Environment Association
Tennessee Stormwater Association
University of New Hampshire Stormwater Center
Utah Stormwater Advisory Committee
Virginia Municipal Stormwater Association
Washington Stormwater Center
Water Environment Association of Texas
Water Environment Federation

Seth P. Brown, Ph.D., P.E.
National Municipal Stormwater Alliance
Executive Director

May 4, 2021

The Honorable Thomas R. Carper
Chairman
U.S. Senate Committee on Environment and Public Works
United States Senate
513 Hart Senate Office Building
Washington, DC 20510

The Honorable Shelly Moore Capito
Ranking Member
U.S. Senate Committee on Environment and Public Works
United States Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The National Municipal Stormwater Alliance (NMSA) is writing to support the confirmation of Radhika Fox to the position of Assistant Administrator for Water the U.S. Environmental Protection Agency.

NMSA member organizations represent over 4,000 of the 7,550 total Municipal Separate Storm Sewer Systems (MS4) permittees across the country. Our member organizations are in 23 states representing all regions of the country. Our members include MS4 program managers who are the stewards of urban stormwater conveyance and treatment systems that address urban runoff, which is the largest growing source of water pollution in many parts of the U.S.

We are pleased that the Senate Environment and Public Works Committee is focusing on water sector needs and particularly needs in the stormwater (MS4) sector. We look forward to working with the Committee to direct resources where they will have the most benefit for water quality and ensure a legacy of clean water for the U.S.

We also strongly believe that Radhika Fox will provide the leadership needed to improve water quality. Specifically, she brings experience at the municipal level from her tenure at the San Francisco Public Utilities Commission (SFPUC), demonstrated skills in collaboration through her work on the Value of Water Campaign and supports environmental justice as demonstrated through her work at the SFPUC.

We support Ms. Fox's confirmation to this important position and will work to help implement her programs and initiatives. Stormwater infrastructure requires modernization in the U.S., as demonstrated by the grade "D" in the current ASCE infrastructure Report Card (<https://infrastructurereportcard.org/cat-item/stormwater/>). Clearly,



the challenges in the stormwater sector are significant. A leader like Radhika Fox is needed for EPA to meet the moment of challenge in our sector.

In addition, we fully promote the multi-beneficial nature of stormwater infrastructure, especially green stormwater infrastructure, which is consistent with Ms. Fox's demonstrated significant leadership in the areas of equity, environmental justice and holistic water management, including social and economic aspects of the larger water sector. NMSA's recent launch of the Community-Based Public-Private Partnership (CBP3) Center of Excellence for Water, Energy and Equitable Economic Resilience reflects the alignment between our organization's mission and Ms. Fox's vision of the water sector. Considering this, and the highly qualified nature of Ms. Fox's background, we are certain we can work collaboratively and constructively with Ms. Fox to address the many challenges in the stormwater sector and unlock the benefits associated with investments in stormwater infrastructure to meet the equity and environmental justice goals and priorities of the Biden Administration.

If you need any additional information, please feel free to contact me at 202 774-8097 or at seth.brown@nationalstormwateralliance.org.

A handwritten signature in black ink, appearing to read "Seth P. Brown".

Seth P. Brown, PE, PhD
Executive Director, National Municipal Stormwater Alliance



May 7, 2021

United States Senator
Washington, DC 20510

Dear Senator:

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our nearly 1.6 million members and supporters nationwide, we urge you to support the nomination of Radhika Fox as Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Our national parks are symbols of conservation, historic preservation and our shared heritage. In the last four years, as we witnessed weakened protection for cultural resources, wildlife, air and waterways, the highest level of protection was not afforded to these incredible places. We can and must do better. The Biden-Harris Administration must address climate change head-on, ensure the federal government – and the park system – is welcoming to diverse communities and reverse damaging policies that put at risk the water, air, wildlife and other resources that make our parks world-renowned.

No other federal agency outside the park service itself has as much role to play in protecting the air and water of our national parks as the U.S. EPA. The Office of Water has a particularly important job ensuring that all Americans have clean water to fish and swim and safe, affordable water to drink. The protections the assistant administrator for water oversees are particularly sensitive to our national parks. The assistant administrator will decide whether to review and overturn a disastrous decision to delegate wetland permitting authority to the state of Florida, which threatens Big Cypress National Preserve in the greater Everglades ecosystem. She will have to decide how to protect the sensitive land, water, and wildlife in and around Lake Clark and Katmai national parks in Alaska from egregious mine proposals. She must implement President Biden's executive order requiring EPA to review and revise rules that eliminate Clean Water Act protections for streams and wetlands across the country, like those near Indiana Dunes National Park or Chaco Culture National Historical Park.

We believe that Ms. Fox is well qualified to lead EPA in tackling these issues. She has shown a respect for local and regional needs and an understanding of the importance of building local solutions to complicated problems. We also respect her willingness to tackle big, complicated issues and appreciate her collaborative style when doing so. NPCA values leaders like Ms. Fox that listen to all stakeholders when tackling tough issues, like she did when leading the U.S. Water Alliance. During her time there, she brought diverse interests together, such as agriculture and conservation groups, to build support for holistically addressing our nation's infrastructure challenges, including lifting the role parks play in local solutions. Building authentic, trusting relationships is something she has done throughout her career; these are skills that will be critical in dealing with the many important issues facing our nation's waterways.

Headquarters
777 6th Street, NW, Suite 700
Washington, DC 20001
P 202.NAT.PARK | 800.628.7275

[NPCA.org](https://www.npca.org)

EPA's Office of Water plays an important role in protecting and preserving the stories our parks tell. We look forward to working with Ms. Fox to ensure the best future for our national parks. Please contact Chad Lord, senior director for environment and climate policy, at 202.257.4365 or clord@npca.org with questions.

Sincerely,



Theresa Pierno
President & CEO



22377 Belmont Ridge Road
Ashburn, VA 20148-4150
1.800.626.NRPA (6772)

P 703.858.0784
F 703.858.0794
www.nrpa.org

May 6, 2021

The Honorable Thomas R. Carper
Chairman, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the more than 60,000 members of the National Recreation and Park Association (NRPA) – the leading not-for-profit organization dedicated to building strong, healthy, and resilient communities through the power of parks and recreation – I am writing today to extend my support for the nomination of Radhika Fox to serve as Assistant Administrator for Water of the U.S. Environmental Protection Agency (EPA).

NRPA's members, local, state and special park and recreation departments, provide countless benefits to their communities – including flood mitigation through the implementation of green infrastructure. Green infrastructure can be seamlessly interwoven into existing and new public parks, beautifying neighborhoods in more effective, cost-efficient, and eco-friendly ways than traditional grey stormwater infrastructure. These accessible green spaces provide local opportunities for recreation and social engagement, while helping protect cities and towns from the impacts of climate change.

We believe that Radhika's experience will make her an excellent fit at EPA. During her tenure as CEO of the US Water Alliance, Radhika Fox showed that she understands the value of green infrastructure, especially as major flood events occur with increased frequency. Flooding disproportionately impacts low-income communities and communities of color, an inequity that must be rectified with targeted federal investment. Fox also has a long-proven track record of working with stakeholders in the environmental justice space, a collaborative spirit that will serve her well at EPA.

NRPA supports Radhika Fox's nomination as the next Assistant Administrator for Water of the Environmental Protection Agency, and we look forward to working with her and the department to mitigate current and future threats posed by climate change through the power of parks and recreation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kristine Stratton', with a long horizontal line extending to the right.

Kristine Stratton
President and Chief Executive Officer
National Recreation and Park Association



National Wildlife Federation

11100 Wildlife Center Drive • Reston, VA 20190-5362 • 703-438-6000

May 4, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

On behalf of the National Wildlife Federation, I am writing to express our strong support for the nomination of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency (EPA).

Founded in 1936, the National Wildlife Federation is America's largest and most trusted grassroots conservation organization with 53 state and territorial affiliates and more than six million members and supporters, including hunters, anglers, gardeners, birders, hikers, campers, paddlers, and outdoor enthusiasts of all stripes.

Through our work with her over the years, the National Wildlife Federation has experienced Fox's collaborative nature firsthand. She consistently ensures all stakeholders have a seat at the table and brings together a diverse range of interested parties when seeking solutions to complicated issues. We believe this quality will be an asset as EPA's Office of Water faces numerous ongoing and intersecting challenges.

In addition, Radhika Fox understands the importance of crafting locally tailored solutions that reflect the unique needs of communities. This is critical because frontline communities have been left out of decision-making conversations for far too long. At the US Water Alliance, Fox helped create a framework for defining and advancing water equity, providing utilities the tools to develop and build equity-focused outcomes to water supply and water quality issues.

We believe Radhika Fox will recommit EPA's Office of Water to tackling serious threats to our nation's waters and that her track record will enable her to move forward with the steps necessary to protect wetlands and streams across the nation. We look forward to working with her to ensure the Clean Water Act is implemented and enforced in an equitable way and to address the lack of access to clean, safe water that many

Uniting all Americans to ensure wildlife thrive in a rapidly changing world.

nwf.org

communities face, by ensuring that federal investments in water infrastructure are directed towards communities that need it most.

The National Wildlife Federation believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a tremendous leader of EPA's Office of Water. We fully support her confirmation and look forward to working with her on securing clean and abundant water for people and wildlife alike.

Sincerely,



Collin O'Mara
President and CEO
National Wildlife Federation



Jessie Ritter
Director, Water Resources and Coastal Policy
National Wildlife Federation



2841 Plaza Place, Ste. 130
 Raleigh, NC 27612
 Phone: (919) 784-9030
 Fax: (919) 784-9032
 Website: www.ncsafewater.org

2021 OFFICERS

CHAIR

KENNETH WALDROUP, P.E.
 Raleigh Water

CHAIR-ELECT

BRIAN TRIPP, P.E.
 WK Dickson

PAST CHAIR

JEFF COGGINS, P.E.
 Black & Veatch

SECRETARY

BEN KEARNS
 Cape Fear Public Utility Authority

TREASURER

GREG MORGAN
 Union County Public Works

VICE-CHAIR

BRIAN TRIPP, P.E.
 WK Dickson

TRUSTEES

KRISTINE WILLIAMS
 City of Greensboro Water Resources

JORDAN TAYLOR
 Highfill Infrastructure Engineers

COREY KING
 Kimley-Horn and Associates, Inc.

MARCO MENENDEZ
 KCI Associates of NC

AWWA DIRECTOR

RON HARGROVE
 Charlotte Water

DAVID SAUNDERS (Director-Elect)
 HDR, Inc.

WEF DELEGATES

CHRIS BELK
 Freese & Nichols

KEN VOGT (Delegate-Elect)
 Cape Fear Public Utility Authority (Retired)

TOM BACH (Delegate-Elect)
 City of Concord

PROFESSIONAL WASTEWATER OPS REP

JOHN POTEAT
 Town of Pittsboro

PROFESSIONAL WATER OPS REP

MIKE BORCHERS
 City of Greensboro Water Resources

EXECUTIVE DIRECTOR

May 5, 2021

The Honorable Thomas R. Carper
 Chairman
 Committee on Environment & Public Works
 United States Senate
 Washington, D.C.

The Honorable Shelley Moore Capito
 Ranking Member
 Committee on Environment & Public Works
 United States Senate
 Washington, D.C.

Dear Chairman Carper and Ranking Member Capito,

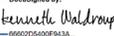
On behalf of the NC American Water Works Association and Water Environment Association (NC AWWA-WEA), we are writing to express our strong support for the nomination of Radhika Fox to be the next Assistant Administrator for Water at the Environmental Protection Agency.

NC AWWA-WEA is a statewide, non-partisan, nonprofit, professional development and educational society that operates jointly under one Board of Trustees as a Section of the American Water Works Association (AWWA) and Member Association of the Water Environment Federation (WEF). It is comprised of over 2,300 members that include public water and wastewater systems staff, regulatory staff members, environmental advocates, scientists, engineers, plant operators, distribution/collection system operators, maintenance staff, customer care and billing staff, and academicians.

Ms. Fox has more than 20 years of experience in the water sector, advocating for water infrastructure investment, building diverse and inclusive coalitions, and advancing solutions to some of our nation's most pressing water challenges. Most recently, Ms. Fox served as CEO of the US Water Alliance, a national nonprofit organization advancing policies and programs that build a sustainable water future for all. Prior to leading the Alliance, she directed the policy and government affairs agenda for the San Francisco Public Utilities Commission.

At this critical moment, we strongly believe that Radhika Fox's unique experience and contributions make her the right person for the job. We urge her swift confirmation and look forward to working with EPA and the Office of Water under her leadership.

Sincerely,

DocuSigned by:

 Kenneth Waldrup
 Chair, NC AWWA-WEA

DocuSigned by:

 Catrice R. Jones, CAE
 Executive Director, NC AWWA-WEA

Dedicated to Safe Water



May 10, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the Natural Resources Defense Council and our over 3 million members and online activists, we write in support of the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Ms. Fox brings to EPA a long and successful career within the water sector. During her recent tenure with the US Water Alliance, Ms. Fox was known as an effective convener and consensus builder. Indeed, she has a unique ability to bring people together and bridge historical divides in a sector with many diverse and contentious views among stakeholders. She also brings to EPA a strong background on water infrastructure, climate resilience, and equity, among other matters. Her skills are well suited to ensure EPA targets this nation's most pressing water issues, including protecting and restoring the condition of our nation's water bodies, addressing lead and PFAS contamination in drinking water, and ensuring water for basic human needs is affordable for all.

We look forward to working with Ms. Fox on the numerous water issues facing our nation and fully support her nomination as the next Assistant Administrator for Water.

Sincerely,

Mitchell S. Bernard
President & Chief Counsel, NRDC

NATURAL RESOURCES DEFENSE COUNCIL

40 W 20TH STREET | NEW YORK, NY | 10011 | T 212.727.2700 | F 212.727.1773 | NRDC.ORG

May 5, 2021

The Honorable Tom Carper
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Chairman Carper and Ranking Member Capito:

I write in support of the nomination of Radhika Fox to serve as the Assistant Administrator of the Office of Water at the U.S. Environmental Protection Agency. I had the honor of serving as the Senate-confirmed Assistant Administrator for Water from January 8, 2018 to January 7, 2021 and had the opportunity to get to know and work with Radhika during that tenure.

Radhika Fox is well qualified to serve as the Assistant Administrator for Water. She cares deeply about the water sector and understands the importance of the water sector workforce to our daily lives. That workforce needs our collective support and a leader in the Office of Water who understands that water and wastewater operators are front line public health and environmental protection specialists who frequently work without the public appreciation and recognition they deserve. Radhika also understands the importance of water security to our way of life and will continue to push Office of Water employees to be thought leaders in water affordability, water reuse, infrastructure financing, cybersecurity and a host of other issues of critical importance that float below the public's consciousness. Most importantly, Radhika will care for the amazing public servants within the Office of Water and will advocate for their success at the White House, on the Hill, and within EPA, advocacy that is enhanced by the credibility of Senate confirmation.

There will be times that I may disagree with her policy preferences and we may differ on our view of the legal authorities that govern the various water programs at EPA. And that is okay. Diversity of thought is the true strength of our nation. Unfortunately, that foundational touchstone has been lost beneath a sea of partisan rhetoric, and reasoned compromise is a fading art. So, despite our potential areas of disagreement, I believe that Radhika is well qualified to serve as the Assistant Administrator for Water and will look for opportunity to build consensus where feasible. I support her nomination and call for her confirmation.

The Senate is charged with an important role in the process of staffing the senior leadership positions within the Executive Branch. That role includes performing due diligence, asking difficult questions, ensuring the credentials of the nominee, and then consenting to the

President's choice if the nominee is qualified for the position. I believe that process will result in Radhika's successful confirmation and I look forward to the continued great work by the Office of Water career professionals under her leadership.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Ross".

David P. Ross
Former Assistant Administrator
Office of Water, EPA



May 4, 2021

The Honorable Thomas R. Carper
Chairman
Committee on Environment & Public Works
United States Senate
Washington, D.C.

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment & Public Works
United States Senate
Washington, D.C.

Dear Chairman Carper and Ranking Member Capito,

On behalf of the Ohio Section of the American Water Works Association (OAWWA), we are writing to express our strong support for the nomination of Radhika Fox to be the next Assistant Administrator for Water at the Environmental Protection Agency.

Founded in 1881, AWWA is the largest organization of water supply professionals in the world. Our membership includes over 4,300 utilities that supply roughly 80 percent of the nation's drinking water and treat almost half of the nation's wastewater. Our 51,000 total members represent the full spectrum of the water community: public water and wastewater systems, environmental advocates, scientists, academicians, and others who hold a genuine interest in water, our most vital resource.

Ms. Fox has more than 20 years of experience in the water sector, advocating for water infrastructure investment, building diverse and inclusive coalitions, and advancing solutions to some of our nation's most pressing water challenges. Most recently, Ms. Fox served as CEO of the US Water Alliance, a national nonprofit organization advancing policies and programs that build a sustainable water future for all. Prior to leading the Alliance, she directed the policy and government affairs agenda for the San Francisco Public Utilities Commission.

At this critical moment, we strongly believe that Radhika Fox's unique experience and contributions make her the right person for the job. We urge her swift confirmation and look forward to working with EPA and the Office of Water under her leadership.

Sincerely,

The Governing Board of the Ohio Section AWWA

DocuSign Envelope ID: CC3D25F4-34CE-4118-8EFC-300BB28559F1



April 28, 2021

The Honorable Thomas R. Carper
 Chair, Senate Committee on
 Environment and Public Works

Washington, D.C. 20510

The Honorable Shelley Moore Capito
 Ranking Member, Senate Committee on
 Environment and Public Works
 Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of The Pittsburgh Water and Sewer Authority, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency (EPA).

The Pittsburgh Water and Sewer Authority provides drinking water, sewer conveyance, and stormwater mitigation services to approximately 300,000 residents in the city of Pittsburgh, Pennsylvania. Our key priorities include removing every lead service line in our service area, implementing our once-in-a-generation "Water Reliability Plan" which will replace critical water infrastructure in our system, creating a new stormwater master plan, and executing on our water equity roadmap which Ms. Fox helped launch in her role at the U.S. Water Alliance.

I have had the privilege of working with Ms. Fox for nearly a decade on water and wastewater policy issues in both Washington, DC and Pittsburgh. As a former water utility executive at the San Francisco Public Utilities Commission, she would bring a unique perspective to EPA as Assistant Administrator for Water. Her role there gave her a front seat to the practical implications of EPA's policies and regulatory requirements.

Even before her ascension to CEO of the U.S. Water Alliance, she was an industry leader known for collaborating with water other large utilities to raise public awareness and cultivate political will to increase infrastructure funding and investment. In her role at the U.S. Water Alliance, she consistently demonstrated the desire to make sure all stakeholders and voices have a seat at the table. This approach will be invaluable as she works to address a multitude of very challenging issues at EPA.

Ms. Fox is a consensus driven leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. Her inclusive and considerate style would result in balanced and practical approaches for those

Penn Liberty Plaza I
 1200 Penn Avenue
 Pittsburgh PA 15222

info@pgh2o.com
 T 412.255.2423
 F 412.255.2475

www.pgh2o.com
 @pgh2o

Customer Service /
 Emergencies:
 412.255.2423



charged with implementing new solutions, policies, and projects. This considerate method would undoubtedly benefit cities like Pittsburgh that are grappling with an antiquated water and sewer system, equity and affordability challenges, and multiple federally mandated capital infrastructure projects.

The Pittsburgh Water and Sewer Authority believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on completing our nationally recognized lead service line removal program while simultaneously moving forward on other critical infrastructure projects.

Sincerely,

William J. Pickering

William J. Pickering
Chief Executive Officer



May 6, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of PolicyLink, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

PolicyLink is a national research and action institute dedicated to advancing racial and economic equity. We work to ensure that the 100 million people living in or near poverty - the majority of whom are people of color - can participate in a just society, live in a healthy community of opportunity, and prosper in an equitable economy.

We believe that Radhika is the right leader for this moment and for the EPA Office of Water. She understands the sacredness of water and brings an unwavering commitment to advancing water as a human right. She also understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach will help her lead the way in advancing access to affordable, safe drinking water and sanitation, resilience-investments that address climate-related water management, and jobs and business opportunities for communities of color in resilient water management.

Radhika's leadership has already impacted the water sector in countless positive ways including helping lead the charge at the US Water Alliance to create a framework defining and advancing water equity; launching the first utility-based Community Benefits program while working for the SFPUC; helping define the water access gap in the US; and more than a decade of work at the intersection of equity and infrastructure at PolicyLink as our federal policy director, and later providing her insights as a member of our board.

Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. PolicyLink fully supports her confirmation and looks forward to working with her on confronting long standing water and climate resilience inequities.

Sincerely,

A handwritten signature in black ink that reads "Michael McAfee".

Michael McAfee
President & CEO
PolicyLink



The physician and health advocate voice for a world free from nuclear threats and a safe, healthy environment for all communities.

May, 5 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moor Capito
Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

RE: Support for Radhika Fox's Confirmation for the US EPA Office of Water

Dear Chair Carper and Ranking Member Capito,

On behalf of Physicians for Social Responsibility-Los Angeles (PSR-LA), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

PSR-LA advocates for policies and practices that improve public health, eliminate nuclear and environmental threats, and address health inequalities. We recognize that the physical and social environment often determines health status – we are committed to addressing that reality. Our work is grounded in science, and the lived experiences of health professionals and their patients. We are guided by the precautionary ideal to foresee and forestall damage to human health and the environment. Within our work we focus on health, the environment, social justice, and public policy.

Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects. PSR-LA believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on addressing the obstacles that communities face which prevents them from having access to a reliable source of safe, clean, and affordable drinking water.

Sincerely,



Martha Dina Arguello
Executive Director, Physicians for Social Responsibility-Los Angeles

CC:

John Kane, John_Kane@epw.senate.gov;
Jess Kramer, Jess_Kramer@epw.senate.gov;
Brian Eiler, brian_eiler@epw.senate.gov;
Shannon Frede, Shannon_Frede@cardin.senate.gov;
Ethan Hinch, Ethan_Hinch@sanders.senate.gov;
Joe Russel, Joe_Russell@kelly.senate.gov;
Kara Allen, Kara_Allen@whitehouse.senate.gov;
Ben Schreiber, ben_schreiber@merkle.senate.gov;
Hannah Vogel, Hannah_Vogel@markey.senate.gov;
Lizzy Olsen, Lizzy_Olsen@duckworth.senate.gov;
Aaron Suintag, Aaron_Suintag@stabenow.senate.gov;
Joshua Esquivel, Joshua_Esquivel@padilla.senate.gov;
Jake Hinch, Jake_Hinch@inhofe.senate.gov;
Micah Chambers, Micah_Chambers@cramer.senate.gov;
Adam Stewart, Adam_Stewart@lummis.senate.gov;
Andrew Burnett, andrew_burnett@shelby.senate.gov;
Joe Brown, Joe_Brown@boozman.senate.gov;
Chloe Cantor, Chloe_Cantor@wicker.senate.gov;
Pierce Wiegard, Pierce_Wiegard@sullivan.senate.gov;
Meris Baha, Meris_Baha@ernst.senate.gov;
Scott Graber, Scott_Graber@lgraham.senate.gov; and
Radha Adhar, Adhar.Radha@epa.gov

PVC PIPE ASSOCIATION

UNI-BELL PVC PIPE ASSOCIATION | 201 E. JOHN CARPENTER FREEWAY, SUITE 750 | IRVING, TX 75062
WWW.UNI-BELL.ORG | P: 972.243.3902 | F: 972.243.3907

May 11, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito:

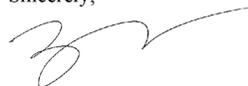
On behalf of the Uni-Bell PVC Pipe Association (PVCPA), I am writing to express our strong support for the confirmation of Ms. Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

PVCPA was founded in 1971 as a non-profit organization and is the authoritative source on PVC pipe, serving the engineering, regulatory, public health and standardization communities. Our mission is to promote use of longer-life, lower-maintenance, PVC piping in water and wastewater systems – for real sustainability, strength and long-term asset management.

As a member of the U.S. Water Alliance, I have seen firsthand Radhika's collaborative nature and desire to work with all stakeholders for a sustainable water future. Ms. Fox's background in the water utility sector and her role as CEO of the Alliance gives her the required experience for this position.

PVCPA believes that Acting Assistant Administrator Fox is an excellent choice to lead the EPA's Office of Water. We fully support her confirmation and look forward to working with her to build more sustainable water pipe networks that have lower environmental and carbon footprints.

Sincerely,



Bruce Hollands
Executive Director
Uni-Bell PVC Pipe Association



May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Work
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of River Network, we strongly support the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

River Network is a national, non-profit organization that empowers and unites people and communities to protect and restore rivers and other waters that sustain all life. We envision a future with clean and ample water for people and nature, where local caretakers are well-equipped, effective and courageous champions for our rivers. We believe that everyone should have access to affordable, clean water and healthy rivers.

Our team has worked closely with Radhika over the last five years in her role as CEO of the U.S. Water Alliance. Radhika brings energy, dedication and clarity to her leadership, attributes that will greatly benefit the Environmental Protection Agency and our nation's rivers and communities. She also has a keen interest in addressing challenges at the intersection of water and equity.

Radhika understands the importance of representation of all stakeholders and voices at decision-making tables. At the U.S. Water Alliance, she developed partnerships with a range of organizations, including community groups, to better develop a vision for a sustainable water future. She understands and is committed to sustainable and healthy urban waters, bringing expertise in integrated water management that values stakeholder engagement and recognizes the important roles of diverse collaborations and tailoring solutions to meet the unique needs of each community. Her approach results in balanced and inclusive processes that are manageable and practical for those charged with implementing new solutions, policies, and projects.

River Network believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be an excellent fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on collaborating to protect our urban waterways and communities and ensuring safe and affordable water for all.

Sincerely

Nicole Silk
President



May 3, 2021

The Honorable Thomas R. Carper, Chair
U.S. Senate Committee on Environment and Public Works
United States Senate
513 Hart Senate Office Building
Washington, DC 20510

The Honorable Shelly Moore Capito, Ranking Member
U.S. Senate Committee on Environment and Public Works
United States Senate
172 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

I am writing to express my unconditional support for the Senate's confirmation of Acting Administrator Radhika Fox as Assistant Administrator for Water at the U.S. Environmental Protection Agency. I know of no one more qualified to lead our Nation's efforts to ensure every person has equitable access to safe and affordable drinking water, to restore and maintain aquatic ecosystems, advocate for critical infrastructure, and collaborate with all stakeholders, including the regulated community and environmental advocates.

Seattle Public Utilities provides drinking water to 1.5 million people in the Puget Sound region, conveys stormwater runoff and wastewater, and manages solid waste within the City of Seattle. Seattle Public Utilities takes seriously our community's values of continuous service delivery, environmental sustainability, greater equity, and our responsibility to ensure that our rates are as affordable as possible.

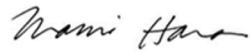
Having worked professionally with Radhika Fox for close to a decade, I have seen first-hand her understanding of these community values and her substantive knowledge, insight, good judgement, tenacity, and creative problem solving. She is a steadfastly positive, visionary leader who sees future possibilities and identifies concrete steps to bring visions to life. Those around her draw strength from her optimism and vision.

Innovative ideas and vision are hollow if not followed up by action. Acting Administrator Fox has spent the last two decades implementing policies and programs to address the Nation's most pressing water issues including climate change, affordability and innovative finance, water infrastructure investment, equity, and the evolution of the One Water movement. Radhika is also an expert consensus builder on complex environmental issues and will be a dogged advocate for federal and local shared solutions and a leader in elevating the importance of investing in aging infrastructure.

Acting Administrator Fox is the right leader to guide our Nation's water program at this time of deep disruption and opportunity, for she has the ability to lead the transformation toward a sustainable system of water management.

I fully support Acting Administrator Fox's confirmation and look forward to her leadership in finding creative, common ground solutions to the many daunting challenges facing the water sector and the communities it serves.

Sincerely,



Mami Hara, General Manager/CEO
Seattle Public Utilities



Hope F. Cupit, CPA
President & CEO
Swynice M. Hawkins
Board Chair

347 Campbell Avenue, SW | Roanoke, Virginia 24016
540 345-1184 (P) | 540 342-2932 (F) | www.sercap.org



May 6, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Southeast Rural Community Assistance Project, Inc., I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

SERCAP's mission is to improve the quality of life for low-income individuals by promoting affordable water and wastewater facilities, community development, environmental health, and economic self-sufficiency. SERCAP works towards accomplishing its mission by providing training, technical, and financial assistance to communities and low-to-moderate income (LMI) individuals for water, wastewater, housing, and community development projects.

The reason for our support is mainly due to Mrs. Fox's support of equity issues and her collaborative nature. Radhika helped lead the charge at the Alliance to create a framework defining and advancing water equity. She launched the first utility-based Community Benefits program while working for the San Francisco Public Utilities Commission. She has more than a decade of work at the intersection of equity and infrastructure at PolicyLink. She helped define the water access gap in the US. Radhika's collaborative nature, and desire makes sure all stakeholders and voices have a seat at the table. Her vision for a sustainable water future for all shows her willingness to tackle big complicated issues.

Southeast Rural Community Assistance Project, Inc., believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on water and waste water utility policies. She brings utility experience to the table having worked at the San Francisco Public Utilities Commission before becoming the Alliance's CEO. Thanks for accepting this letter of recommendation.

Sincerely,
Hope F. Cupit

A handwritten signature in blue ink that reads "Hope F. Cupit".

CEO
SERCAP, INC.



May 12, 2021

The Honorable Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell,

On behalf of our millions of members and supporters, we write in strong support of the nomination of Radhika Fox to be the assistant administrator of the Office of Water at the U.S. Environmental Protection Agency (EPA). EPA's Office of Water handles implementation of the Clean Water Act, Safe Drinking Water Act, and helps implement many water infrastructure funding streams and technical assistance programs.

Before joining the EPA, Radhika Fox was CEO of the US Water Alliance, a national nonprofit that advocates for safe and sustainable water. During her time at the US Water Alliance, Acting Administrator Fox showed an openness to hearing the concerns of environmental justice organizers and communities regarding inequitable water infrastructure and lack of access to clean water in both homes and ecosystems.

Acting Administrator Fox has a deep history in equity work and water infrastructure advocacy which helped to shape President Joe Biden's call to remove all lead piping from drinking water systems under his massive infrastructure proposal and launched a review of the Trump administration's overhaul of the regulation governing lead levels in drinking water.

Acting Administrator Fox previously directed the policy and government affairs agenda for the San Francisco Public Utilities Commission and also served as the Federal Policy Director at PolicyLink. Her nomination signals a commitment to do the regulatory work in a way that's grounded in people, that's grounded in community, and is grounded in achieving equitable outcomes.

Acting Administrator Fox's confirmation will help the Biden Administration meet the goals of an equitable and just transition to a clean and prosperous economy, and Sierra Club urges that the Senate swiftly confirm this highly qualified nominee.

Sincerely,

Michael Brune
Executive Director



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

May 5, 2021

VIA E-MAIL

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, DC 20510

Dear Chair Carper and Ranking Member Capito:

On behalf of the Michigan Department of Environment, Great Lakes, and Energy (EGLE), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency (U.S. EPA).

Radhika understands the need expressed by the Midwestern states for attention to the historical disinvestment in water infrastructure. In fact, in 2020 we presented together at a Council of Great Lakes Governor's and Premiers event about the need for greater focus on water and for greater focus on contaminants like PFAS.

Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and an approach we need to carry forth in the Biden Administration.

Radhika deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

EGLE believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead the U.S. EPA's Office of Water. I fully support her confirmation and look forward to working with her on water infrastructure investment, the intersectionality of issues including climate, water, and advanced mobility, and raising up equity as a focus for this work.

Sincerely,

Liesl Eichler Clark
Director
517-284-6700

cc: Ms. Radha Adhar, Office of Congressional and Intergovernmental Relations, U.S. EPA
Ms. Patricia Readinger, Governor's Washington, DC, Office
Ms. Kara Cook, Governor's Office
Mr. Aaron B. Keatley, Chief Deputy Director, EGLE
Mr. James Clift, Deputy Director, EGLE
Mr. Travis Boeskool, Legislative Liaison, EGLE

205

THE
CONSERVATION FUND
1655 N. Ft. Myer Dr., Suite 1300, Arlington, VA 22209

May 5, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of The Conservation Fund, I write to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency (EPA).

The Conservation Fund is a national, non-profit organization dedicated to making conservation work for America by creating solutions that make environmental and economic sense. Founded in 1985, the Fund has a rich history of working with landowners; federal, state, and local agencies; and other partners to conserve critical lands for people, wildlife, and communities. For 36 years, the Fund has helped partners conserve over 8 million acres of land across the country.

The Fund is thrilled that Ms. Fox has been chosen by President Biden to lead EPA's Office of Water. With over two decades of experience in the water resources sector, Ms. Fox has a proven track record of working collaboratively to tackle an array of water management issues facing communities around the country. As the Chief Executive Officer at the US Water Alliance, Ms. Fox led on developing policies, programs, and issue-based advocacy campaigns to advance sustainability and equity in America's water systems and resources. Additionally, Ms. Fox understands the importance of partnerships to conserve and improve the nation's water resources, as it relates to affordability, access to sustainable infrastructure, and water quality. Along with community representatives, water utilities, governmental representatives, private companies, agricultural groups, and other conservation and environmental organizations, we at the Fund had the privilege of working directly with Ms. Fox on a number of important initiatives during her tenure at the US Water Alliance.

Ms. Fox is a strong champion of the intersection of equity and water infrastructure. She led campaigns to establish a bold and visionary framework defining and advancing water equity; community resilience due to climate change; promotion of nature-based solutions in vulnerable communities; and access to clean, safe, and affordable water service. Given her extensive experience and deep expertise in creating collaborative strategies for a sustainable water future for all, Radhika Fox is uniquely qualified to lead the EPA Office of Water. She deserves approval by your committee to advance her nomination for consideration by the full Senate.

The Conservation Fund fully supports Ms. Fox's confirmation and looks forward to working with her to support the implementation of the agency's priorities related to natural and nature-based green

infrastructure, urban waters restoration, water quality and water quantity, watershed protection, and water equity.

Please do not hesitate to contact us if we can provide additional information regarding our support for the nominee. You may contact my staff, Kelly Reed, Senior Vice President for Government Relations, at kreed@conservationfund.org or 703-525-6300 or Erik Meyers, Vice President, Climate and Water Sustainability, at emeyers@conservationfund.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Selzer", is positioned above the typed name.

Lawrence A. Selzer
President and CEO
The Conservation Fund

THE
CONSERVATION FUND

77 Vilcom Center Drive #340 Chapel Hill, North Carolina 27514 | (919) 967-2223
www.conservationfund.org

May 4, 2021

The Honorable Thomas Carper, Chair &
The Honorable Shelly Moore Capito, Ranking Member
Senate Committee on Environment & Public Works
Washington, D. C. 20510

Re: Confirmation of Radhika Fox

Dear Chair Carper and Ranking Member Capito:

I am writing to strongly support the confirmation of Radhika Fox to be Assistant Administrator for Water at the U. S. Environmental Protection Agency.

I have known and worked with Ms. Fox for many years. I know her best for her groundbreaking work for the Value of Water Campaign and her outstanding leadership of the US Water Alliance.

Ms. Fox is a thought leader in the water sector. She transformed the US Water Alliance to not only speak for the water industry, but also for the many stakeholders that depend upon water for public health, food production, economic growth, power production, environmental protection, and outdoor recreation.

Ms. Fox is one of the most collaborative leaders I've ever met. She traveled to North Carolina twice as leader of the US Water Alliance and engaged a broad range of stakeholders and interests.

Ms. Fox is an advocate for collaborative One Water strategies. Thanks to encouragement from Ms. Fox local governments, developers, conservationists, environmentalists, farmers, and state agencies are working to develop the Jordan Lake One Water (JLOW) strategy for the Upper Cape Fear River Basin in North Carolina to reduce water pollution, increase resiliency and provide multiple benefits across the watershed.

Ms. Fox also engaged water leaders at the Catawba-Wateree Water Management Group's (NC & SC) Second Water For All Conference in Rock Hill, SC in 2019.

Ms. Fox brings deep knowledge to the issues of financing, building, and maintaining critical water infrastructure to EPA. She also brings a commitment to equity and providing all Americans with assured supplies of clean water.

I strongly support her confirmation.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Holman". The signature is written in a cursive style with a large initial "B" and "H".

Bill Holman
NC State Director



Joe S. Whitworth, President & CEO

Board of Directors

Pat Reiten, Co-Chair
 Scott Sandbo, Co-Chair
 Peter Doubleday, Treasurer
 Gary Fish, Secretary
 Marcelino Alvarez
 Hank Ashforth
 David Chen
 Scott Demorest
 Margaret Donovan Cormier
 Paul Fortino
 Deb Hatcher
 David Laurance
 Kim Malek
 Molly McCabe
 William Neuhauser
 Mike Pohl
 Brad Preble
 Gia Schneider
 Dr. Sara Spangelo
 Tony Trunzo
 Margaret Tuchmann

Chad Brown, Advisor
 Arthine Cossey van Duyne, Advisor
 Graciela Gomez Cowger, Advisor
 David Howitt, Advisor
 Marian Singer, Advisor
 Liz Spence, Advisor

emeritus

Tim Boyle
 Randy Labbe

Printed on 100% post-consumer,
 chlorine-free paper, made with
 certified renewable energy.

The Freshwater Trust is a 501(c)(3)
 nonprofit organization, and its tax ID
 is 93-0843521.

21 April 2021

Ranking Member Sen. Capito (Minority) –
 456 Dirksen Senate
 Washington, DC 20510
 Phone: 202-224-6176

Chairman Sen. Carper (Majority) –
 410 Dirksen Senate
 Washington, DC 20510
 Phone: 202-224-8832

SEND VIA ELECTRONIC MAIL

Dear Chairman Carper and Ranking Member Capito:

The Freshwater Trust is a 501(c)(3) no-for-profit organization working at the intersection of innovation, finance, and water to develop the next generation of solutions for the economy and the environment. With offices across the West and work expanding nationally, we collaboratively work to restore freshwater ecosystems.

This letter supports the nomination of Radhika Fox to serve as Assistant Administrator of the Office of Water at U.S. Environmental Protection Agency (EPA). Taken together, her training, her experience and her outlook uniquely qualify her for the post at this critical juncture for water and communities across the country. The monumental improvements in water quality made throughout our history still leave a good distance to go to before our waters are fishable, swimmable, and drinkable for all citizens. The nice words on paper need to translate to results on the ground.

Because she has engaged so deeply in policy and public discourse, Ms. Fox understands the implications of guidance and regulation but also the importance of authentic community engagement and the need to achieve quantified results on the ground. Her work in popularizing the concept of "One Water" recognizes the cross-sector realities of how agriculture, hydropower, industry, and municipalities depend on this critical resource and the need to manage it in an integrated rather than siloed way to derive its benefits while maintaining its health over time.

As the country considers an unprecedented set of investments in infrastructure, agency leadership must commit to ensuring that every dollar we spend on watershed health receives a full dollar of benefit. Since its inception, the Clean Water Act has seen nearly \$2 trillion spent on efforts to improve water quality, yet the majority of U.S. waterways remain impaired. Great strides have been made through focus and regulation but completing the task will require an integrated approach and coordinated effort across the federal family, as well as with state and private partners. Radhika Fox is the type of leader to create the conditions to catalyze that work and ultimately see it through.

On behalf of our board of directors, our collaborators, and a bunch of uncertain waters, we support this nomination without reservation and stand ready to work constructively to ensure a healthy water future for all Americans.

In earnest,

Joe S. Whitworth
 President & CEO
 The Freshwater Trust



May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the Green Infrastructure Leadership Exchange, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The Green Infrastructure Leadership Exchange (“the Exchange”) is a peer learning network of 65 cities, counties and water utilities whose mission is to accelerate the affordable and equitable implementation of green stormwater infrastructure throughout the United States. Leaders like Radhika are critical to our mission and to the ability of our members serve their communities effectively.

The Exchange supports Radhika for this position because of her collaborative nature and desire to make sure all stakeholders and voices have a seat at the table. Radhika has a strong vision of a sustainable water future and the relationships, respect, and trust across different water stakeholder groups to make this vision a reality.

Radhika also brings water utility experience to the table, having worked at the San Francisco Public Utilities Commission before becoming the CEO of the US Water Alliance. She has been a leader in collaborative efforts to raise public and political will on infrastructure funding through her work at the Value of Water Campaign. She has also tackled the extremely sensitive issue of water system consolidation. Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

The Exchange believes that Acting Assistant Administrator Fox’s experience, expertise, relationships, and values will position her to be a great fit to lead EPA’s Office of Water. We fully support her confirmation and look forward to working with her on ensuring an affordable and equitable water future.

Sincerely,

Paula Conolly, AICP
Director
paula@giexchange.org
215.990.1422



The Sewerage & Water Board OF NEW ORLEANS

625 ST. JOSEPH STREET

NEW ORLEANS, LA 70165

504.529.2837 OR 52.WATER

www.swbno.org

April 30, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the Sewerage & Water Board of New Orleans (S&WB), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The S&WB is a utility that embodies the “one water” concept that Radhika has championed throughout her career – we provide clean drinking water, treat wastewater, and drain stormwater for the citizens of New Orleans. Our 1,300 employees are spread across all three divisions where they consistently face challenges common to many water utilities, including aging infrastructure, limited rate-based funding, and the impacts of severe weather events.

These are big, complicated issues that often highlight the inequity in providing water services across diverse communities. Radhika has shown a willingness to tackle the big issues and has the experience to do so successfully. Her collaborative nature, and desire to make sure all stakeholders and voices have a seat at the table, have resulted in the relationships necessary to craft innovative solutions to difficult problems.

Having worked with Radhika as a Board member of the U.S. Water Alliance, I also know that she is a leader who deeply understands the importance of locally tailored partnerships that reflect the specific needs of communities. This perspective results in practical solutions for utilities like the S&WB that are charged with implementing policies and projects created to address our region’s unique topography and one-of-a-kind drainage system.

The S&WB believes that Radhika’s experience, expertise, relationships, and values will position her to be a great fit to lead EPA’s Office of Water. We fully support her confirmation and look forward to working with her promoting One Water for all.

Sincerely,

Ghassan Korban
Executive Director
Sewerage and Water Board of New Orleans



6666 W. Quincy Ave.
Denver, CO 80235-3098

1199 N. Fairfax St., Ste. 900
Alexandria, VA 22314-1445

May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of The Water Research Foundation, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The Water Research Foundation (WRF) is the world's leading research organization advancing the science of all water to meet the evolving needs of its subscribers and the water sector. WRF is a nonprofit educational organization that funds, manages, and publishes research on the technology, operation, and management of drinking water, wastewater, reuse, and stormwater systems—all in pursuit of ensuring water quality and improving water services to the public. For more information, visit www.waterrf.org.

We have greatly enjoyed the opportunity to work closely with Ms. Fox over many years in her role as CEO of the U.S. Water Alliance. Ms. Fox has repeatedly shown a willingness to take on many of the most challenging issues facing the water sector, with a core vision of a sustainable water future for all. When she led the Value of Water campaign, she emphasized the importance of ensuring a significant investment in the nation's water infrastructure while recognizing the critical need for all Americans to have access to clean and safe water. She also demonstrated an appreciation for the complexities of this issue in small rural and tribal communities. Ms. Fox has a unique ability to bring together diverse stakeholders to support small system partnerships to improve the quality of service while also keeping water services affordable for all. She has consistently approached challenging issues with great respect for the diverse needs of local communities, with a focus on supporting the development of locally tailored solutions.



Ms. Fox also brings significant utility infrastructure experience to the Office of Water through her years at the San Francisco Public Utilities Commission and PolicyLink. She has a deep appreciation of the water equity issues facing many of our nation's water utilities, particularly as we emerge from the COVID-19 pandemic. In addition, Ms. Fox worked closely with agriculture as a partner and valued stakeholder to advance critical issues facing the water sector. In particular, she highlighted the promise of agriculture-municipal partnerships through multiple in-depth convenings with agriculture, utilities, conservation, and representatives of the finance community.

The Water Research Foundation believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with Ms. Fox and her EPA colleagues to unlock opportunities to address the most significant challenges facing the water sector. These include smart technology upgrades to our aging water infrastructure, seeking out novel destructive treatment techniques for PFAS, removing lead from our drinking water, limiting nutrients and addressing harmful algal blooms in our waterways, and identifying strategies to ensure that all segments of the population maintain affordable access to clean and safe water. Working in close collaboration with our 1,000+ utility subscribers globally, we are confident that we will forge a close partnership with Ms. Fox to ensure the approach to strengthening the nation's water resources remains grounded in the latest science and takes full advantage of the many opportunities to employ innovative technologies in service of protecting public health and the environment to build strong communities.

Sincerely,



Peter C. Grevatt, PhD
Chief Executive Officer
The Water Research Foundation



May 5, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of Tualatin Riverkeepers, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

Tualatin Riverkeepers is a community-based organization that protects and restores the Tualatin River watershed. We build watershed stewardship through engagement, advocacy, restoration, access, and education. We envision a thriving watershed that acts as a valuable community resource for everyone, and strive to exist at the intersection of environmental justice, protection, and conservation so that we all have equitable access to clean water, healthy ecosystems, and enjoyable river opportunities. Tualatin Riverkeepers is a member of Waterkeeper Alliance, a global movement uniting more than 350 Waterkeeper groups around the world, focusing citizen action on issues that affect our waterways, from pollution to climate change. The Waterkeeper movement patrols and protects over 2.75 million square miles of rivers, lakes, and coastlines in the Americas, Europe, Australia, Asia, and Africa.

Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

215

Tualatin Riverkeepers believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on strengthening water quality protections to ensure all waters are fishable and swimmable for generations to come.

Sincerely,

A handwritten signature in black ink, appearing to read 'AS' with a long horizontal flourish extending to the right.

Ashley Short
Tualatin Riverkeeper & In-House Counsel
Tualatin Riverkeepers
Ashley@tualatinriverkeepers.org



MAYOR
Regina Romero

May 10, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, DC 20510

The Honorable Shelly Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, DC 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the City of Tucson, I am writing to express my strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The City of Tucson has a great deal at stake when it comes to water supply and water quality issues. We at the City of Tucson and the Tucson Water Department believe that Acting Assistant Administrator Fox is the right person to help Tucson and cities nationwide address our many water challenges—and do so with attention to issues of equity and environmental justice.

Her experience on the San Francisco Public Utilities Commission gives her the experience necessary to understand the complex considerations that public water entities undertake to provide sufficient, quality supplies to customers at an affordable price. And as the CEO of the US Water Alliance, Acting Assistant Administrator Fox demonstrated her commitment to leadership and collaboration by forging alliances in support of water infrastructure investment and her work on the Value of Water campaign.

In addition, Acting Assistant Administrator Fox stands out from other leaders in her field as a strong woman of color and as a formidable advocate for considering equity and environmental justice in all water policy discussions. These include the larger long-term planning discussions as well as the day-to-day issues of water quality and cost.

Tucson will need to partner with EPA on many issues, including the regulation, containment, and treatment of local groundwater contaminated with PFAS compounds. I have confidence that Acting Assistant Administrator Fox will bring significant skills to this partnership, and will understand how Tucson's history of water contamination and its disproportionate impact on historically disadvantaged communities of color must be considered as we address PFAS and other future water quality challenges.

It is remarkable that she has been nominated for the position of Assistant Administrator, and I believe it is appropriate to consider her many qualifications for this position and support her confirmation. I believe she will lead EPA's Office of Water effectively and will be a great fit for EPA and an important leader for our nation.

In community,

A handwritten signature in blue ink, appearing to read "Regina Romero".

Mayor Regina Romero
City of Tucson

cc: The Honorable Kyrsten Sinema
The Honorable Mark Kelly

City of Tucson
City Hall, 10th Floor | 255 W. Alameda | Tucson, AZ 85701 | (520) 791-4201



April 29, 2021

The Honorable Thomas R. Carper
 Chair, Senate Committee on
 Environment and Public Works
 Washington, D.C. 20510

The Honorable Shelley Moore Capito
 Ranking Member, Senate Committee on
 Environment and Public Works
 Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of United for Infrastructure, I am writing to express our strong support for the confirmation of Radhika Fox to be Assistant Administrator for Water at the U.S. Environmental Protection Agency.

United for Infrastructure is a non-partisan infrastructure advocacy organization and coalition. Our stakeholders include the most prominent business, labor, and state and local government organizations from every state in the country and from sectors as diverse as manufacturing, retail, travel and tourism, engineering and construction, and beyond. Since 2013 we have worked with leaders from both parties in the administration and congress to achieve the transformational investments in America's infrastructure that the nation's businesses, workers, and families need.

As CEO of the U.S. Water Alliance, Radhika served on our organization's Steering Committee. She worked alongside our other leadership organizations, which include the U.S. Chamber of Commerce, AFL-CIO, National Association of Manufacturers, Business Roundtable, the Brookings Institution, and many more to elevate the importance of water infrastructure investments and policies that help businesses to thrive, put people to work in good-paying jobs, and make communities safe, resilient, and equitable. Radhika is a leader who understands the importance of convening and listening to a diverse range of voices and perspectives. She regularly works to unite leaders from business, labor, government and advocacy communities to identify shared priorities and aspirational but pragmatic solutions to the most complex water challenges facing communities across the nation.

Radhika also understands that while water issues must be a national priority, needs and priorities vary across rural and urban areas and within regions, states, and communities. She has demonstrated an understanding of the importance of locally tailored solutions that reflect the unique needs of communities, and the importance of balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects. Her nuanced understanding of actors and issues, and the value she places on collaboration and consultation, is an invaluable asset at this critical moment for our nation's water infrastructure.

United for Infrastructure believes that Ms. Fox's experience, expertise, relationships, and values will make her a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her to build a competitive, affordable, resilient, and equitable water infrastructure future.

Sincerely,

A handwritten signature in black ink, appearing to read "Zachary Schafer".

Zachary Schafer
 CEO and Co-Founder
 United for Infrastructure



April 26, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the US Water Alliance, we write to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The US Water Alliance network is comprised of a unique membership base that represents the full range of champions in the water sector including drinking water and wastewater utilities (both public and private), environmental organizations, labor unions, community and frontline groups, private businesses, agriculture groups, and academic institutions. We are proud to work with our members to advance policies and programs that drive breakthroughs and positively transform our environment, economy, and society.

As the former Alliance CEO, Radhika Fox developed a consistent record of working cooperatively alongside stakeholders from every corner of the water sector including drinking water, wastewater, and stormwater utilities of all sizes, environmental groups, labor, frontline communities, and countless others. This record is reflected by Alliance work to identify and nurture the characteristics of change leadership in utilities, our work to spread and scale successful agriculture-municipal partnerships, and our work to build the public and political will for water infrastructure investment through the Alliance's Value of Water Campaign.

During her tenure, Acting Assistant Administrator Fox reformed Alliance strategies, practices, and approaches to center equity and 'water equity' in our organization, network and sector. Her leadership and vision around equity led to the development and launch of the Water Equity Network, which aligns the resources and capacities of diverse stakeholders to advance equitable water management in cities across the country. Acting Administrator Fox also has a strong understanding of the myriad challenges facing the water sector and recognizes that EPA and Congress must not only work together, but also work with all water sector stakeholders to deliver the outcomes needed to establish an equitable water future for all.

Our organization believes that Acting Assistant Administrator Fox's experience, expertise, and relationships make her uniquely well-suited to lead EPA's Office of Water. We fully support her confirmation and look forward to working with the Office of Water to promote innovative and integrated water solutions.

Sincerely,

A handwritten signature in black ink, appearing to read "R Willette".

Renee Willette
Vice President, Programs & Strategy
Co-Interim CEO

A handwritten signature in black ink, appearing to read "Sara Aminzadeh".

Sara Aminzadeh
Vice President, Partnerships
Co-Interim CEO

April 30th, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

I want to express my strong support for confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

I am a University Distinguished Professor of Civil Engineering at Virginia Tech, where I teach courses in environmental engineering, applied aquatic chemistry and engineering ethics. My research group conducted the investigative science uncovering the 2001-2004 D.C. Lead Crisis and the 2014-2016 Flint Water Disaster. I was dubbed “The Plumbing Professor” in 2004 by Time Magazine, listed him amongst the 4 most important “Innovators” in water from around the world. The White House awarded me a Presidential Faculty Fellowship in 1996 and I won a MacArthur Fellowship in 2007. In 2013, I was the 9th recipient (in a quarter century) of the IEEE Barus Award for “*courageously defending the public interest at great personal risk.*” In 2016 I was named amongst TIME Magazine’s 100 Most Influential people in the World, the World’s 50 Greatest Leaders by Fortune Magazine, Politico Magazine’s Top 50 Visionaries who have transformed American politics, Foreign Policy Magazine’s 100 World’s Greatest Thinkers, and was short-listed amongst Flint whistleblowers as Time person(s) of the year. I was co-recipient of the inaugural 2017 MIT Disobedience Award, received the 2018 AAAS Scientific Freedom and Responsibility award, and the Hoover Humanitarian Medal in 2019.

I was an outspoken critic of the U.S. EPA’s handling of lead in drinking water from 2003-2014. My perspective was vindicated by EPA’s role in contributing to the 2014-2016 Flint Water Crisis. I testified to Congress five times on this issue from 2004-2018. I worked closely with the U.S. EPA on the Flint Emergency response, and have publicly defended their outstanding work in that effort, despite hostility and death threats.

Radhika Fox would be an outstanding candidate for EPA assistant administrator of water in our present era, when unfortunately, too many of our government agencies are underperforming and undeserving of the public trust. Some of our poorest and most vulnerable American’s no longer trust the safety of their drinking water, and spend too much of their precious financial resources on bottled water and filters. I consider Radhika to be an ideal candidate to help correct this national embarrassment and make sound decisions about water policy.

Radhika has real-world experience from her work at the San Francisco Public Utilities Commission and is a proven “bridge builder” through her experiences with numerous non-profits. She is bright, smart and a joy to work with. She is respected by all parties.

In relation to the role of Acting Assistant Administrator in EPA Office of Water, I believe that she is the ideal person for the job. I therefore offer my wholehearted support for her confirmation.

Sincerely,

A handwritten signature in cursive script that reads "Marc Edwards".

Affiliation-University Distinguished Professor, Virginia Tech



Gary A Brown

Director

735 Randolph Street, Detroit, MI 48226

313-267-8000 • gary.brown@detroitmi.gov

May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the Detroit Water and Sewerage Department (DWSD), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency. The DWSD serves more than 230,000 accounts that includes a residential population of nearly 700,000. DWSD's water network consists of more than 2,700 miles of water main and nearly 3,000 miles of sewer collection piping within the city of Detroit.

Ms. Fox has been a champion for urban families living in poverty struggling with water affordability, while at the same time understanding the legal, policy and financial challenges utility suppliers face in operating a water or sewer system. The average age of a water or sewer main in the City of Detroit is 100 years. Further, we have 80,000 private lead lines serving the aging housing stock in our City. Everything we do at the DWSD takes water affordability into consideration; yet we face daunting financial challenges.

To that end, Ms. Fox facilitated a series of meetings between DWSD and local water rights advocates to discuss constructive ways to balance the needs of the community and our urgent infrastructure needs. Under Ms. Fox's leadership, we agreed upon several policy changes, forged a commitment for stronger outreach to citizens, and identified areas for future discussions and work groups. Ms. Fox is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

Ms. Fox's work with the U.S. Water Alliance also helped launch the first utility-based Community Benefits program on behalf of the San Francisco Public Utilities Commission. The DWSD and the Detroit regional water and sewer services wholesale provider, Great Lakes Water Authority, adopted programs similar to the SFPUC Community Benefits program, which we believe should serve as a model for the country.

The DWSD believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on developing programs to address water affordability and security at the national level, economic justice issues, job creation, and removing lead pipes from our community as quickly as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary A. Brown". The signature is fluid and cursive, with a long horizontal stroke at the end.

Gary A Brown, Director

GB/DNP



April 30, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Re: Radhika Fox's confirmation for the position of Assistant Administrator for the Office of Water at the US Environmental Protection Agency

Dear Chair Carper and Ranking Member Capito:

On behalf of Water For People, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency. Water For People is a global nonprofit Water For People working in nine countries in Africa, Latin America, and Asia to help end the global water crisis. Water For People exists to promote the development of high-quality drinking water and sanitation services, accessible to all, and sustained by strong communities, businesses, and governments.

I have personally known Ms. Fox for many years. Water For People and the US Water Alliance (the Alliance) are strategic partners advocated for water access for everyone. In my experience, Radhika's collaborative nature, and desire to make sure all stakeholders and voices have a seat at the table, has been an effective way of connecting the needs of water users in high-income countries, like the United States, to the needs of water users in low- and middle-income countries, like the countries where Water For People works. Everyone having equitable access to water is our shared vision.

Radhika helped lead the charge at the Alliance create a framework defining and advancing water equity. I was an expert advisor on this initiative and witnessed first-hand her ability to bring together disparate stakeholders for a common cause.

Water For People believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on water equity as well much-needed water infrastructure improvements in the United States.

Sincerely,

Eleanor Allen, P.E., BCEE, NAE
CEO

water for people



May 3, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the Water Foundation, I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the US Environmental Protection Agency.

The Water Foundation is a nonprofit philanthropy working to support lasting water solutions for communities, economies, and the environment. The Foundation complements strategic grantmaking with creative field-building and engagement with high-level decision makers and community leaders, and helps funders identify and act on opportunities to better manage water. The Water Foundation works in key U.S. watersheds and policy arenas, recognizing that water crosses political boundaries and natural places face similar challenges across the region. As a singularly focused water funder, the Water Foundation serves the entire water field, deploying staff expertise to move resources to the groups that can most effectively improve water systems that affect people and nature. The Water Foundation's partners span a broad spectrum: conservation organizations, environmental justice groups, agricultural associations, water providers, business groups, and local, tribal, state, and federal agencies.

Radhika is a leader who deeply understands the importance of local solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical. Her experience in the utility sector ensures that she has a visceral knowledge of what it takes to provide clean and safe drinking water while sustaining a viable institution, and that she can advocate for water infrastructure from a position of expertise. While at the San Francisco Public Utility Commission, she also demonstrated her commitment to equity, launching the first utility-based community benefits program. In her more recent position as CEO of the US Water Alliance, she continued to advance new ideas about utility-driven water equity. Her natural instinct for collaboration, and desire to make sure all stakeholders have a seat at the table, make her the right person to imagine and implement a sustainable water future.

The Water Foundation believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her to provide clean and safe water for all.

Sincerely,

A handwritten signature in cursive script that reads "Allison Harvey Turner".

Allison Harvey Turner
CEO



David Baker, Executive Director
Malcolm Harris, President
Scott Price, Treasurer
Jason Pinchback, Secretary
Dorothy Knight
Pokey Rehmet
Parc Smith
Vanessa Puig-Williams

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

May 4, 2021

Dear Chair Carper and Ranking Member Capito,

On behalf of the Wimberley Valley Watershed Association (WVWA), I am writing to express our strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

The WVWA is a non-profit organization located in the heart of the Texas Hill Country, born out of a love for water. WVWA has been working since 1996 to protect groundwater, springs, creeks, and rivers for generations to come. Our vision is to create a greater understanding community-wide of the many benefits that flow from a respectful relationship with the land: human health, ecological health, economic sustainability, enriched community life, and the renewal of the human spirit.

Radhika is a proven leader who has demonstrated a desire to make sure all stakeholders and voices have a seat at the table. The water field and sector is too often fraught with conflicts between interests and entities that must work together to advance solutions. During her time in the non-profit organizations PolicyLink and the US Water Alliance, Radhika built relationships, respect, and trust across different water stakeholder groups. This is a dynamic and approach we need to carry forth in the Biden Administration.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach results in balanced and inclusive approaches that are manageable and practical for those charged with implementing new solutions, policies, and projects.

The Wimberley Valley Watershed Association believes that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We fully support her confirmation and look forward to working with her on balancing land and water resource protection with water supply needs.

Sincerely,

A handwritten signature in blue ink, appearing to read 'DB', written over a horizontal line.

David Baker, Founder and Executive Director

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



May 6, 2021

The Honorable Thomas R. Carper
Chair, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, Senate Committee on
Environment and Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito,

On behalf of the Department of Natural Resources, I am writing to express my strong support for the confirmation of Radhika Fox to the position of Assistant Administrator for Water at the U.S. Environmental Protection Agency.

I am proud to serve as Secretary for the Wisconsin Department of Natural Resources, an agency that directs statewide programs for environmental protection, natural resource management, outdoor recreation and law enforcement.

Radhika is a proven leader who has demonstrated a willingness to ensure all stakeholders and voices have a seat at the table. At the U.S. Water Alliance, she advanced the *Value of Water Coalition*, a diverse coalition that inspired people to see water as essential, invaluable and worthy of investment. She has demonstrated that relationships, respect, and trust are key to her approach.

Radhika is a leader who deeply understands the importance of locally tailored solutions that reflect the unique needs of communities. This approach has resulted in balanced and inclusive approaches that are practical for those charged with implementing new solutions, policies, and projects. Under her guidance the U.S. Water Alliance published "*An Equitable Water Future*," a national briefing paper that examined the interconnections between water management and vulnerable communities in the United States.

I believe that Acting Assistant Administrator Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. I fully support her confirmation and look forward to working with her on advancing clean water for all in Wisconsin.

Sincerely,

A handwritten signature in black ink, appearing to read 'Preston D. Cole', is written over a faint, larger version of the signature.

Preston D. Cole
Secretary



Kevin L. Shafer, P.E.
Executive Director

May 3, 2021

The Honorable Thomas R. Carper
Chair, United States Senate
Committee on Environment and
Public Works
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Ranking Member, United States Senate
Committee on Environment and
Public Works
Washington, D.C. 20510

Dear Chair Carper and Ranking Member Capito:

On behalf of the Milwaukee Metropolitan Sewerage District (MMSD), I am writing to express our strong support for the confirmation of Ms. Radhika Fox to the position of Assistant Administrator for the Office of Water at the U.S. Environmental Protection Agency (EPA).

MMSD is a regional government agency that provides water reclamation and flood management services for about 1.1 million customers in 28 communities in the Greater Milwaukee, Wisconsin Area. The District serves 411 square miles that cover all, or segments of, six watersheds. Besides its core responsibilities, MMSD also handles water quality research, household hazardous waste collection, pharmaceutical collection, industrial waste monitoring, laboratory services, planning and engineering services, and produces a biosolid fertilizer Milorganite®, a product trusted by professionals for more than 90 years.

This nation faces many public health and environmental challenges with water being a fundamental element of many of the solutions. Climate change is exacerbating these challenges. The water and wastewater industry cannot address these challenges in a vacuum. Holistic, collaborative approaches that bring in multiple stakeholders will lead to success. Radhika understands and advocates for this with everything she does.

Radhika's collaborative nature ensures all stakeholders and voices have a seat at the table. She has a vision of a sustainable water future and has the experience to tackle big, complicated issues. She has built the relationships, respect, and trust across different water stakeholder groups.

Radhika's trust-building with the utility and agricultural sectors has already started the process of creating partnerships across watersheds. This is a critical step to help address nonpoint source pollution.

Milwaukee Metropolitan Sewerage District
260 W. Seeboth Street, Milwaukee, WI 53204-1446
414-272-5100 www.mmsd.com 

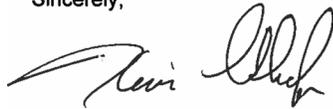


The Honorable Thomas R. Carper
The Honorable Shelley Moore Capito
May 3, 2021
Page 2 of 2

Radhika has shined a light on the inequities of water in our society. While not only identifying the needs, she also initiated a multi-city collaborative that is producing real world solutions.

MMSD believes that Radhika Fox's experience, expertise, relationships, and values will position her to be a great fit to lead EPA's Office of Water. We encourage her confirmation and look forward to working with her to move this nation towards a more climate resilient, equitable water sector while improving the environment. Radhika Fox simply is the perfect person at this critical time to propel our nation forward. We strongly support her confirmation!

Sincerely,



Kevin L. Shafer, P.E.
Executive Director
Milwaukee Metropolitan Sewerage District

C: John_Kane@epw.senate.gov;
Jess_Kramer@epw.senate.gov;
brian_eiler@epw.senate.gov;
Shannon_Frede@cardin.senate.gov;
Ethan_Hinch@sanders.senate.gov;
Joe_Russell@kelly.senate.gov;
Kara_Allen@whitehouse.senate.gov;
ben_schreiber@merkle.senate.gov;
Hannah_Vogel@markey.senate.gov;
Lizzy_Olsen@duckworth.senate.gov;
Aaron_Suntag@stabenow.senate.gov;
Joshua_Esquivel@padilla.senate.gov;
Jake_Hinch@inhofe.senate.gov;
Micah_Chambers@cramer.senate.gov;
Adam_Stewart@lummis.senate.gov;
andrew_burnett@shelby.senate.gov;
Joe_Brown@boozman.senate.gov;
Chloe_Cantor@wicker.senate.gov;
Pierce_Wiegard@sullivan.senate.gov;
Meris_Baha@ernst.senate.gov;
Scott_Graber@lgraham.senate.gov
Adhar.Radha@epa.gov

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
CHIEF POLICY OFFICER

1615 H STREET, NW
WASHINGTON, DC 20062
(202) 463-5310

May 18, 2021

The Honorable Tom Carper
Chairman
Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment
and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

The U.S. Chamber of Commerce supports the nomination of Michal Freedhoff to be Assistant Administrator for the Environmental Protection Agency's Office of Chemical Safety and Pollution Prevention (OCSP), and we ask the Committee to report favorably her nomination.

Dr. Freedhoff's confirmation hearing provided a solid summary of her distinguished career in public service and highlighted the importance of science and data in Dr. Freedhoff's decision-making approach. She is well qualified to lead on the chemicals portfolio that are the responsibility of OCSP. Holding a PhD in physical chemistry, as well as extensive experience on Capitol Hill, Dr. Freedhoff has a strong understanding of the science-policy nexus and legislative foundation that is central to this position.

The Chamber and its members look forward to working with Dr. Freedhoff on a number of chemical safety-related issues of importance to the business community and our nation, including the administration and risk management of the Toxic Substances Control Act (TSCA), the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), and addressing emerging issues such as poly- and perfluoroalkyl substances (PFAS). We recognize that effective oversight of chemical safety issues to benefit communities, the economy, and the environment requires a collaborative partnership between EPA and the regulated community, and we stand ready to engage constructively with Dr. Freedhoff and EPA staff on these important issues.

Thank you for your consideration of Dr. Freedhoff's nomination and for scheduling the May 12 hearing.

Sincerely,



Neil Bradley

cc: Members of the Senate Committee on Environment and Public Works



Stephen J. Caldeira, President and CEO

May 11, 2021

The Honorable Thomas Carper
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Shelley Moore Capito
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Carper and Ranking Member Capito:

On behalf of the Household & Commercial Products Association (HCPA) and its member companies, I write to express HCPA's strong support for the confirmation of Dr. Michal Freedhoff to be Assistant Administrator for Chemical Safety and Pollution Prevention of the U.S. Environmental Protection Agency (EPA). We believe Dr. Freedhoff's experience in policy and public service, as well as her scientific background, position her to effectively promote EPA's mission of protecting the environment and public health.

HCPA is the premier trade association representing the interests of companies that manufacture, formulate, distribute, and sell \$180 billion annually of familiar household and commercial products that help consumers and workers create cleaner and healthier environments. Many of these products and their ingredients are regulated by EPA, and HCPA has a long history of working collaboratively with EPA's Office of Chemical Safety and Pollution Prevention to address emerging regulatory issues.

Through her work with the Senate Committee on Environment and Public Works, Dr. Freedhoff has become familiar with many of the policy issues facing HCPA and its members, particularly in chemicals management. She understands the importance of effective environmental regulation, but also the wide-ranging economic impact of new policies. In addition to her public policy experience, she is also a scientist, and is committed to public policy grounded in sound science. Finally, throughout her time working in Congress, Dr. Freedhoff has consistently valued public engagement and collaborated with diverse stakeholders.

As EPA begins to tackle the complex challenges facing the environment and public health, we believe Dr. Freedhoff is an excellent candidate to lead this critical office. We hope she will earn the support of you and your colleagues during the confirmation process.

Sincerely,

A handwritten signature in black ink that reads 'Stephen J. Caldeira'.

Stephen J. Caldeira
President and CEO
Household & Commercial Products Association

MARCO RUBIO
FLORIDA

United States Senate
WASHINGTON, DC 20510-0908

COMMITTEES:
APPROPRIATIONS
FOREIGN RELATIONS
SELECT COMMITTEE ON INTELLIGENCE
SMALL BUSINESS AND ENTREPRENEURSHIP
SPECIAL COMMITTEE ON AGING

May 11, 2021

The Honorable Tom Carper
Chairman
Senate Committee on Environment
and Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20515

The Honorable Shelley Moore Capito
Ranking Member
Senate Committee on Environment
and Public Works
456 Dirksen Senate Office Building
Washington, D.C. 20515

Dear Chairman Carper and Ranking Member Capito:

I write in support of the nomination of Shannon Estenoz to be Assistant Secretary of Fish and Wildlife and Parks of the Department of the Interior, and ask for the committee to favorably consider her nomination.

Over the course of her public service career, and as a private citizen, Ms. Estenoz has demonstrated an unwavering commitment to pragmatic environmental stewardship. In her previous role with the U.S. Department of the Interior as Director of Everglades Restoration Initiatives and Executive Director of the South Florida Ecosystem Restoration Task Force, Ms. Estenoz effectively coordinated the policy of three Interior agencies, the Fish and Wildlife Service, the National Parks Service, and the U.S. Geological Survey to align the Department's Everglades restoration efforts.

As a fellow Floridian, I have witnessed Ms. Estenoz's ability to fundamentally understand complex problems, and her willingness to work collaboratively to reach consensus on contentious issues. I am confident that Ms. Estenoz will be able to translate her effectiveness, and her disposition for acting in good faith, into her new role with the Department of the Interior.

Thank you for your consideration.

Sincerely,



Marco Rubio
U.S. Senator



Government Affairs, Outreach & Alliances
Anthony Pitagno
Senior Director

May 17, 2021

The Honorable Thomas Carper
Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Shelley Moore Capito
Senate Committee on Environment and
Public Works
410 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

On behalf of the American Chemical Society (ACS), I am writing to express our enthusiasm for the recent nominations of Sylvia Johnson, Steve Owens, and Jennifer Sass as members of the Chemical Safety and Hazard Investigation Board (CSB) and hope for a speedy confirmation. ACS represents over 155,000 chemists and chemical engineers and was chartered by Congress in 1937 to provide policymakers with advice on issues of importance to the nation and scientific community.

CSB has a critical mission to "drive chemical safety change through independent investigation to protect people and the environment." The ACS supports safety in the chemical enterprise¹ and the CSB provides a valuable resource to meet that goal by conducting investigations of chemical incidents using highly trained staff with relevant expertise. Board-issued recommendations help reduce the likelihood of incidents recurring. Safety organizations, trade associations, corporations, educational institutions, and many others rely on these recommendations. We believe the current slate of nominees represent a diverse array of backgrounds that will strengthen the Board's mission and activities to boost chemical safety.

As you consider filling the final opening at CSB, we strongly encourage the Committee and the Administration to work together to ensure the final nominee to fill out the Board has a background in chemistry process safety and chemical sciences. Bringing a voice from the chemistry enterprise to the table will ensure well rounded leadership for CSB activities.

Please accept the Society's thanks for your efforts on behalf of CSB. ACS looks forward to working with you to ensure a fully-populated Board. Should you have any questions, please do not hesitate to contact me or Will Hartwig (w.hartwig@acs.org).

Sincerely,

Anthony Pitagno

Anthony Pitagno

¹ <https://www.acs.org/content/acs/en/policy/publicpolicies/science-policy/safety-in-the-chemistry-enterprise.html>

CC:
The Honorable Chuck Schumer
The Honorable Mitch McConnell
The Honorable Jeff Merkley
The Honorable Roger Wicker

May 12, 2021

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
Office of the Administrator Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Regan:

We write to congratulate you on your appointment to lead the U.S. Environmental Protection Agency (EPA) and to request a meeting with you and your team to discuss Clean Water Act jurisdiction and permitting and its impact on the Biden administration's priorities. The Waters Advocacy Coalition (WAC) represents major sectors of the American economy that are affected by the definition of "waters of the United States;" including construction, transportation, housing, mining, manufacturing, forestry, agriculture, energy, wildlife conservation, recreation, and public health and safety sectors—all of which are vital to a thriving economy and providing much-needed jobs. The coalition has been working with EPA, the U.S. Army Corps of Engineers, Congress, and other stakeholders on this issue for more than a decade.

Our members employ millions of workers—both union and non-union—and provide the essential goods and services that all Americans rely on. We grow the food and agricultural products that sustain us, provide for our energy security, build affordable homes, and help with the efficient and reliable production and movement of goods and supplies. Many of our industries have been essential during the COVID-19 pandemic and have served as bright spots in our economy. Additionally, our members are integral to achieving President Biden's goals to revitalize our infrastructure, create good-paying jobs, and improve the quality of life for all Americans in both rural and urban areas.

We would like the opportunity to meet with you and your team and have a dialogue about the breadth of business and property interests that are affected by the definition of "waters of the United States" and how potential changes to the current definition may affect the way coalition members do business and the cost of our products and services. Our goal is to work with you and your team to ensure clear regulations that make sense in the field.

We look forward to being a part of your outreach to stakeholders and this important conversation that so greatly impacts our future ability to provide needed services that keeps our environment safe and our economy growing. Byron Brown (bbrown@crowell.com, 202-624-2546) will contact your scheduler to find a time on your calendar that is appropriate. Thank you.

Sincerely,

American Exploration & Mining Association
American Exploration & Production Council
American Farm Bureau Federation
American Forest & Paper Association
American Fuel & Petrochemical Manufacturers
American Gas Association

American Iron & Steel Institute
American Petroleum Institute
American Road & Transportation Builders Association
American Society of Golf Course Architects
Associated Builders & Contractors
Associated General Contractors of America
Association of American Railroads
Association of Oil Pipelines
Club Management Association of America
Florida and Texas Sugar Cane Growers
Golf Course Superintendents Association of America
Independent Petroleum Association of America
Industrial Minerals Association North America
International Diatomite Producers Association
National Association of Home Builders
National Association of Manufacturers
National Association of Realtors
National Association of State Departments of Agriculture
National Corn Growers Association
National Cotton Council of America
National Mining Association
National Multifamily Housing Council
National Pork Producers Council
National Stone Sand & Gravel Association
Responsible Industry for Sound Environment
Southeastern Lumber Manufacturers Association
The Fertilizer Institute
United Egg Producers
USA Rice Federation
US Chamber of Commerce

cc: Senator Tom Carper; Chairman, Environment and Public Works Committee
Senator Shelley Moore Capito; Ranking, Member Environment and Public Works Committee

Senator CARPER. Senators will be allowed to submit questions for the record through close of business on Friday, this Friday, May 14th. We will compile those questions, send them to our witnesses, and ask our witnesses to reply to us by Wednesday, May the 19th. If you could do that, that would be very helpful.

With that, it is a wrap. We thank you all again. The hearing is adjourned.

[Whereupon, at 12:23 p.m., the hearing was adjourned.]

