

HEARING ON THE NOMINATIONS OF AMANDA HOWE TO BE ASSISTANT ADMINISTRATOR FOR MISSION SUPPORT OF THE ENVIRONMENTAL PROTECTION AGENCY, DAVID UHLMANN TO BE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE OF THE ENVIRONMENTAL PROTECTION AGENCY, AND CARLTON WATERHOUSE TO BE ASSISTANT ADMINISTRATOR OF LAND AND EMERGENCY MANAGEMENT OF THE ENVIRONMENTAL PROTECTION AGENCY

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

SEPTEMBER 15, 2021

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COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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WEDNESDAY, SEPTEMBER 15, 2021

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

The Committee met, pursuant to notice, at 10:04 a.m., in room 406, Dirksen Senate Office Building, Hon. Thomas R. Carper (Chairman of the Committee) presiding.

Present: Senators Carper, Capito, Cardin, Stabenow, Kelly, Lummis, Sullivan, and Ernst.

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

Senator CARPER. Good morning, everyone. I am pleased to call this hearing to order.

Today, we will hear from three qualified nominees for leadership roles at the Environmental Protection Agency.

We welcome all of you, your families and friend to this hearing. The Environmental Protection Agency's mission is to protect human health and our environment. It is a challenging and critical responsibility that requires dedicated work to ensure that the American people can live in communities free from hazardous pollution; our Nation can address the worst impacts of a mounting climate crisis; and all of us can live up to our God given potential.

To conduct that work well, EPA needs experienced and committed leaders who believe in the agency's mission and the role of science as a guiding force behind their work. I believe all three individuals with us today fit that description, and they deserve our support.

First, we have Amanda Howe, who the President has nominated to be EPA Assistant Administrator for Mission Support. Whether it is maintaining facilities, engaging with staff, or facilitating EPA grants and contracts, the Office of Mission Support manages all the functions that the agency needs to fulfill its mission. It is safe to say that without the Office of Mission Support, there would not be much of an EPA.

If confirmed, Ms. Howe would bring with her to the job some impressive leadership experience and a clear understanding of what it is like to serve at the Federal, State, and local levels of government.

Next, the President has nominated David Uhlmann to be Assistant Administrator for Enforcement and Compliance Assurance.

It is worth noting that our Nation's environmental laws can only protect our health and our environment if they are effectively and fairly enforced. EPA's Office of Enforcement and Compliance Assurance needs leadership to make sure that enforcement is applied consistently and within the letter and the spirit of the law.

David Uhlmann is exceptionally qualified to be that leader. Mr. Uhlmann has spent 17 years—17 years—as a prosecutor with the U.S. Department of Justice, seven of those years as Chief of the Environmental Crimes Section.

In this role, Mr. Uhlmann has led some of the highest profile pollution crime cases in recent history, including a 2017 case in which Volkswagen pled guilty to three felony counts in a scheme to cheat vehicle emissions tests. That was a chapter that drew worldwide attention and worldwide acclaim.

I am confident he will bring the same dedication to enforcing our Nation's environmental laws to this role at EPA.

Finally, we have Carlton Waterhouse, whom President Biden has nominated to be Assistant Administrator of the Office of Land and Emergency Management.

For those who are not familiar, this EPA office is tasked with overseeing the clean up of our Nation's most contaminated hazardous waste sites, as well as working with local officials to revitalize these areas and prevent future exposure to harmful materials.

Mr. Waterhouse has a good deal of experience and know how to be successful in this role. He spent years in the 1990s working as an EPA attorney and acting on behalf of vulnerable communities that have suffered from the impacts of industrial waste, receiving the agency's bronze star award four times for his work.

As a former naval flight officer who served in a war or two, I have known some people who received one bronze star. However, the idea of receiving four of them is pretty amazing.

Mr. Waterhouse would be an asset to the Office of Land and Emergency Management in assisting communities confronted by the dangers of contaminated sites and making sure their voices are heard in government.

On this Committee, I often like to say, we are work horses, not show horses. We may not always agree in this Committee on all things, but we come to the table with collegiality, open hearts, and open minds.

I am proud of how our members have carried on that work ethic in this Congress, especially when it comes to consideration of nominees. I look forward to continuing in that vein for today's hearing.

With that, let me turn over to our Ranking Member who has joined us remotely, for her opening statement remarks. After she has completed, I will turn to our colleague, Mark Warner. I think Senator Stabenow will join us remotely.

We look forward to both of them introducing the nominees in greater detail.

Senator Capito, good morning.

**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 join in today. I am a little [indiscernible], and I apologize for that.

In West Virginia here, our connectivity, as we know, is a challenge. Can you hear me OK? Can you give me thumbs up?

Senator CARPER. You are breaking up a little bit.

Senator CAPITO. OK.

Senator CARPER. Go ahead. It is good enough that we can understand you.

Senator CAPITO. OK, I will go quickly, then.

Senator CARPER. I understand you are in Missouri today. No, I am kidding.

Senator CAPITO. No, no, no, I am in West Virginia. I feel like it. [Laughter.]

Senator CARPER. All right. Go right ahead.

Senator CAPITO. We had a power failure, and it is OK.

I want to welcome the three nominees. Obviously, each of you have been nominated to serve at the EPA in critical roles.

The Office of Land and Emergency Management is key to the mission of protecting human health and the environment across all [indiscernible], land, water, and air.

Dr. Waterhouse, it is nice to see you. I look forward to your testimony. You are the lead political officer in that office right now and have been nominated to serve as the Assistant Administrator. Clean ups supported by your office can revitalize areas, make land usable again, and propel communities forward economically.

Established by the 2017 Tax Cuts and Jobs Act, opportunity zones provide favorable tax treatment to private investments in economically distressed areas. The Trump administration recognized that providing grants to projects in opportunity zones can leverage private investment and make Federal dollars go further.

I appreciated the emphasis that the EPA under the previous Administration, from the top down, placed on its waste and clean up responsibilities, including in my home State. Despite this progress, I am concerned that under the Biden administration, the Office of Land and Emergency Management is again taking a back seat to other programs, including the Office of Air and Radiation, as it did during the Obama administration.

The President's fiscal year 2022 budget requests more than 1,000 additional employees at EPA. In the detailed materials provided to the Appropriations Committee, the agency does not request any additional employees for the Office of Land and Emergency Manage-

ment. By contrast, the staff of the Office of Air and Radiation would be increased by 179.

So, Dr. Waterhouse, I hope you can give us more insights into the current directions for the Waste Office within EPA, as well as your own professional background. Thank you for being willing to serve.

Mr. Uhlmann, also good to see you again. You have been nominated to serve in another bedrock office of EPA, the Office of Enforcement and Compliance Assurance. When we spoke this summer, I enjoyed learning more about your career at the Department of Justice prosecuting environmental crimes. And I thank you for your past service.

Criminal enforcement is an important tool of the office for which you have been nominated, and one on where you are a preeminent expert as a professor of law at the University of Michigan. This hearing provides the Committee an opportunity to discuss with you all of the tools the Office of Enforcement and Compliance Assurance has, and how you would learn to lead the office in using them, if confirmed.

These include criminal enforcement, civil enforcement, and compliance assurance. In other words, helping regulated entities and States understand and comply with the law. I look forward to hearing your views on how EPA would use these tools.

Finally, I would like to welcome Ms. Howe, who has been nominated to the EPA's Office of Mission Support. This office is one that keeps the agency running, from handling grant disbursements to human resources to IT.

I look forward to hearing how your past work experiences, including on political campaigns and as Acting Chief of Staff for New York City Mayor de Blasio, prepared you for this role.

Again, I would like to thank all of our nominees for your willingness to serve and appearing before us today.

Thank you.

Senator CARPER. Senator Capito, it is great to see you. Thank you for joining us virtually and for your comments.

With that, I am going to ask our friend and colleague, Mark Warner, the Senator from Virginia, to introduce Mr. Uhlmann to our Committee.

Mark, you are now recognized. Thank you for joining us.

**STATEMENT OF HON. MARK WARNER,
U.S. SENATOR FROM THE STATE OF VIRGINIA**

Senator WARNER. Thank you, Mr. Chairman, and Ranking Member Capito, and anybody else that is listening remotely.

I am actually not here to introduce Professor Uhlmann, but I want to wholeheartedly endorse him. He seems like he has got a great background. I don't want to take that opportunity away from Senator Stabenow.

Senator CARPER. You are right. You are here to introduce the nominees from Virginia.

Senator WARNER. I have to do the Virginians.

Senator CARPER. You do those first and then you can take the hand off from Debbie.

Senator WARNER. I am here to vouch for Professor Uhlmann as well. But I also want to say at the outset to the panel of all the witnesses here and their family members, you do not normally get the fact where a Chairman comes out and greets everyone individually. I think that reflects Tom Carper's approach to people and politics. I am grateful for that.

I want to thank again Senator Capito and Senator Carper for their many years of leadership on issues like broadband. Shortly, when we get the bipartisan infrastructure bill to the President's desk for signature, the quality of that broadband from southwest Virginia, or West Virginia, or even the rural parts of Delaware is going to improve dramatically. That is very important.

In addition to Professor Uhlmann, I am here to introduce two individuals who have deep ties to the Commonwealth of Virginia. Amanda Howe, who you have noted has been nominated to be the Assistant Administrator for Mission Support at the EPA, and Professor Carlton Waterhouse who has been nominated to be Deputy Assistant Administrator for Land and Emergency Management within the Office of Land and Emergency Management. Both of these candidates I think would be great additions to the EPA.

I am going to talk about Amanda's professional qualifications in a moment, but I thought I would share a personal reflection. I have known Amanda for close to 20 years. She is an immigrant; she was born and raised in Canada and came to this country. I know her and her wife, Ellen Qualls, quite well.

Let me, for the record, indicate that when I became Governor, I started a tradition. I got asked, Amanda and Ellen both worked with me, of performing marriage ceremonies. I helped perform the marriage ceremony between Amanda and Ellen. They are part of the now 18 couples, one as recent as the last 2 months, that I have married. Not a single couple I have married has been divorced.

[Laughter.]

Senator CARPER. That is great. Eighteen and 0.

Senator WARNER. Eighteen and 0, and when you think about the marriage success rates in our country, unfortunately, Senator Ernst, roughly around 50 percent, I have been told maybe I ought to quit the Senate business and go a little more into the marriage business. Amanda and Ellen are both dear, dear friends.

Amanda will be a great addition to the Administration. She worked for me as Assistant Secretary of Commerce and Trade when I was Governor of Virginia. She helped plan and execute events all around the Commonwealth in terms of economic development, in terms of new business orientation, and in terms of investment in education. She went on to serve subsequent Governors, Governor Kaine and Governor McAuliffe. As you noted, she also worked with Mayor de Blasio in New York.

In terms of operational experience, let me cite a couple of the things she has done. She directed and ran the whole visit of Queen Elizabeth to the Commonwealth of Virginia in 2007, our 400th anniversary. That literally took months, more than a year, but was a massive undertaking.

She helped organize the first tickertape parade in years for the women's successful soccer team in New York. She also managed

Pope Francis' visit to New York. No one, from an operating standpoint, has more experience than Amanda Howe.

She also has a huge commitment to service and to the environment. I cannot think of a person that would be better qualified. I commend the President for acknowledging her and for nominating her.

To my colleagues on both sides of the aisle, this is someone who brings a real professionalism to any job she takes on. I hope she will be favorably reviewed.

Professor Waterhouse, whom I just had the opportunity to actually meet today for the first time, obviously is a very highly qualified expert on environmental law. After attending law school, Professor Waterhouse worked as an attorney at the EPA in the Office of Regional Counsel in Atlanta and the Offices of General Counsel in DC. He served as the Chief Counsel for the EPA earning three of the Administration's most prestigious national awards.

You may also wonder why he has deep, deep ties to the Commonwealth. His father worked at Langley Air Force Base as a commissary manager, and his mother worked as a civil servant at Fort Eustis. He grew up in the Newport News area. My understanding is he may be going back there this weekend to visit relatives.

Professor Waterhouse would bring enormous experience and a critical perspective to the agency at this time. I wholeheartedly endorse his appointment and confirmation.

I would ask my colleagues to consider all three of these nominations as quickly as possible. I think they will bring a great deal of credit to the EPA during these enormously challenging times.

We all may have different views at times around some components of the environment, but I don't think there is anyone, in light of the enormous weather challenges that we have seen affecting our country and the world over the last 6 months that don't understand climate change is here, real, and now. And we need great professionals in making sure the EPA does its job.

With that, Mr. Chairman, I thank the Committee for the opportunity to present these individuals. I will turn the floor back over to you.

Thank you.

Senator CARPER. Thank you so much.

Mark and I served as Governor, not at the same time. I was a year or two ahead of him. In Delaware, the Governors nominate judges who are empowered to marry people. Governors appoint magistrates who are empowered to marry people. The Mayor of Wilmington was able to marry people.

I just thought the Governor was able to marry people. My first 2 years as Governor, I must have married 12 or 15 couples. It turned out I didn't have that power, and we never told them. They went off in life, and hopefully they are all still married.

[Laughter.]

Senator WARNER. I actually thought my license to marry people extended beyond Governor. Although when I did marry people, particularly when I married within the Commonwealth of Virginia, I did have a line that said, "And now by the power vested in me in the Commonwealth of Virginia, by me, I pronounce you husband and wife."

[Laughter.]

Senator WARNER. With that, I will turn it back over to the Committee. Thank you, Mr. Chairman.

Senator CARPER. Thanks very much, Mark.

Senator SULLIVAN. Mr. Chairman, for the record, that is a little scary to me.

[Laughter.]

Senator SULLIVAN. I really have a lot of respect for Senator Warner. I hope all these people are doing well.

Senator CARPER. I would add as a quick p.s. to my story, about marrying people as Governor, never let the truth get in the way of a good story.

I understand we have a colleague in Michigan who might be ready to introduce some folks.

Debbie, are you on?

**STATEMENT OF HON. DEBBIE STABENOW,
U.S. SENATOR FROM THE STATE OF MICHIGAN**

Senator STABENOW. Good morning, Mr. Chairman and Ranking Member.

I have to tell you I just want to reinforce for our nominees that you are in the right Committee, the EPW Committee and not the marriage committee.

[Laughter.]

Senator CARPER. We are really good at constituent service.

Senator Stabenow, thanks for joining us. I understand you are going to introduce Mr. Uhlmann to us. We welcome you. Go right ahead.

Senator STABENOW. I strongly support all the nominees in front of the Committee today.

It really is my honor today to introduce the current Director of the Environmental Law and Policy Program at the University of Michigan Law School, as well as the nominee for Assistant Administrator for Environment and Compliance Assurance at EPA, Dr. David Uhlmann.

Mr. Uhlmann is a renowned expert on environmental law, Mr. Chairman, as you indicated. He is a leading authority on criminal enforcement of U.S. environmental laws and highly regarded as an advocate for environmental stewardship. In fact, the Michigan League for Conservation Voters has so fittingly named him a conservation hero.

Prior to his tenure at the University of Michigan, Mr. Uhlmann spent 17 years as a Federal prosecutor, including 7 years as the Chief of the Environmental Crimes Section at the Department of Justice. In that role, he earned a reputation for prosecuting polluters aggressively and fairly, a legacy he is surely going to continue in this new position if he is confirmed. I certainly hope he is.

He has received numerous awards for precedent setting prosecutions throughout his career including the very first Environmental Justice Criminal Trial award.

I know he will be thoroughly missed at the University of Michigan. Mr. Uhlmann is a great fit to lead EPA's efforts to ensure the

proper and fair enforcement of our Nation's environmental laws, and I look forward to strongly supporting his nomination.

Thank you, Mr. Chairman.

Senator CARPER. Thank you very much, Senator Stabenow. Are you a Michigan State Spartan?

Senator STABENOW. I am a Spartan, which means that this endorsement of Mr. Uhlmann actually gets counted twice since I went to the rival school. But my son went to the University of Michigan so that counts.

Senator CARPER. The Chairman of the Committee is an Ohio State graduate.

Senator STABENOW. That is too bad, that is actually too bad.

[Laughter.]

Senator CARPER. I never say The Ohio State University. I always say O-H.

I think that is it for the introductions. Thank you, Debbie for joining us. We will look forward to seeing you next week.

The first among our witnesses to speak on her own behalf is Ms. Howe.

If you all would just come up to the table, take your seats.

Senator Warner was complaining to me with tongue in cheek that the chairs out there are very low. He asked if we did that purposely so that we would appear to be larger than life, and our witnesses would be smaller than life. Actually, we all have the same chairs.

Amanda Howe, how are you?

Ms. HOWE. Good.

Senator CARPER. To our witnesses, if you would like to introduce members of your family or friends that are in the audience, feel free.

Amanda, please.

STATEMENT OF AMANDA HOWE, NOMINEE TO BE ASSISTANT ADMINISTRATOR FOR MISSION SUPPORT, ENVIRONMENTAL PROTECTION AGENCY

Ms. HOWE. Good morning, Chairman Carper, Ranking Member Capito, and members of the distinguished Committee.

I am honored to appear before you today as President Biden's nominee for Assistant Administrator for the Office of Mission Support at the Environmental Protection Agency. I am joined here today by my wife, Ellen.

Senator CARPER. Ellen, raise your hand, please. Hello, Ellen.

Ms. HOWE. Joining me remotely are my mom, Gail; my sisters, Erin and Ashley; and my brother-in-law, Michael. My three nieces are joining me as well: Vivian, who is 9; Fiona, 6; and Maeve, 4.

Senator CARPER. Where is your mom today?

Ms. HOWE. She is actually in New York.

Senator CARPER. She must be very proud.

Ms. HOWE. I think so. I hope so.

I am proud to be the godmother to all three of my nieces. I am grateful for all their support.

I am an American citizen, but I was born in Canada 2 years after President Nixon and Congress formed the Environmental Protection Agency in 1970. They were responding to Americans' concerns

about air and water pollution and were inspired by the first pictures of Earth taken by astronauts.

I grew up on Lake Ontario, one of the Great Lakes that the EPA was formed to protect. I am a beneficiary of EPA's noble efforts. As a lover of the outdoors, I know we must strive to be in harmony with nature to protect our trees and our majestic oceans, lakes, rivers, and streams for future generations.

I have always believed in the value of public service. Early on, I was remarkably fortunate to have a mentor, who gave me the best career and life advice: "Always ask yourself, am I using my talent, my skills, for good? If the answer is yes, you won't go wrong." From that came my own motto: "Go for the good." And I bring that spirit to everything I do.

My first job in the States, 20 years ago, was working on Mark Warner's campaign for Governor in Virginia. I was impressed with how he appealed to both Republicans and Democrats. I was impressed that he found a way to make progress in the divided State government.

I have spent every year since working on behalf of the American people in several capacities across local and State government. I served newly elected Governor Warner as Assistant Secretary of Commerce and Trade. As Assistant Secretary, I worked closely with 16 agencies to advance a bipartisan agenda that delivered for all Virginians.

Later, I was honored to serve Governor Tim Kaine as the Executive Director of Virginia's Royal Welcome in 2007. We built a team to coordinate the 2 day official visit of Her Majesty Queen Elizabeth II and the Duke of Edinburgh, Prince Philip. I went from State agency work to coordination with Buckingham Palace, the British Embassy, Scotland Yard, the FBI, and the Secret Service, and gained an appreciation for the operation of large scale, world class events and organizations.

My work with Governor Kaine led to working at the Democratic National Committee as Chief Operating Officer for 3 years, and later as Deputy Chief of Staff and then Acting Chief of Staff to the Mayor of New York City.

I oversaw the Mayor's Office of Appointments, Citywide Event Coordination and Management, the Mayor's Office of Correspondence and Constituent Services, the Mayor's Office for International Affairs, the Mayor's Office of Administrative Services, Scheduling and Executive Operations, Advance, the Mayor's Office of Special Projects and Community Events and NYC Service. In New York, I was grateful to see first hand the impressive and incredible dedication of city workers rising to meet every challenge to improve people's daily lives.

As Chief Operating Officer for now Vice President Harris's Presidential campaign in Baltimore in 2019, I oversaw a wide range of departments such as human resources, facilities management, State operations, travel, cyber and physical security, vetting, legal and administrative services, and daily operations.

I have also worked in the non-profit sector as Senior Advisor to the President of Every Town for Gun Safety, an organization working to end gun violence in America, and as Vice President of the American Council on Renewable Energy. There, I helped lead

WIREC, the Washington International Renewable Energy Conference, hosted by the U.S. State Department of President George W. Bush.

Each of these roles is different but shares a common thread, a focus on transparency, collaboration, logistics and operational know how.

I was drawn to the U.S. Government and then public service because the American dream is not an individual dream. It is a collective dream that envisions a better future through mutual understanding of our shared challenges, hopes, and aspirations.

If confirmed, I look forward to working with and supporting the incredibly talented and dedicated EPA career staff. There is no higher mission than to protect the health and safety of our people and our environment, our two most precious resources.

Thank you again, Chairman Carper, Ranking Member Capito, and distinguished members of the Committee for the opportunity to be with you today.

I look forward to your questions.

[The prepared statement of Ms. Howe follows:]

Amanda Howe
Nominee for Assistant Administrator
United States Environmental Protection Agency
Office of Mission Support

Good morning, Chairman Carper, Ranking Member Capito, and distinguished Members of the Committee. I am honored to appear before you today as President Biden's nominee for Assistant Administrator for the Office of Mission Support at the Environmental Protection Agency.

I am joined here today by my wife, Ellen. My mom, Gail - my sisters, Erin and Ashley and my brother-in-law Michael are joining me remotely. My three nieces are joining me as well: Vivian, 9, Fiona, 6, and Maeve, 4. I am proud to be the godmother to all three of my nieces. I am grateful for all their support.

I am an American citizen, but I was born in Canada; two years after President Nixon and Congress formed the Environmental Protection Agency in 1970. They were responding to Americans' concerns about air and water pollution and were inspired by the first pictures of earth taken by astronauts.

I grew up on Lake Ontario, one of the Great Lakes that the EPA was formed to protect. I am a beneficiary of EPA's noble efforts. As a lover of the outdoors, I

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know we must strive to be in harmony with nature to protect our trees and our majestic oceans, lakes, rivers, and streams for future generations.

I have always believed in the value of public service. Early on, I was remarkably fortunate to have a mentor, who gave me the best career and life advice - "Always ask yourself – am I using my talent, my skills, for good? If the answer is yes, you won't go wrong." From that came my own motto: "go for the good." I bring that spirit to everything I do.

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I oversaw the Mayor's Office of Appointments, Citywide Event Coordination and Management, the Mayor's Office of Correspondence and Constituent Services, the Mayor's Office for International Affairs, the Mayor's Office of Administrative Services, Scheduling and Executive Operations, Advance, the Mayor's Office of Special Projects and Community Events, and NYC Service.

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In New York, I was grateful to see, first-hand, the impressive and incredible dedication of city workers rising to meet every challenge to improve people's daily lives.

I have also worked in the non-profit sector including as Vice President of the American Council on Renewable Energy. There, I helped lead WIREC, the Washington International Renewable Energy Conference, hosted by the US State Department of President George W. Bush.

Each of these roles is different but shares a common thread – a focus on transparency, collaboration, logistics and operational know-how.

I was drawn to working for the U.S. government and in public service because the American dream isn't just an individual dream. It is a collective dream that envisions a brighter future through mutual understanding of our shared challenges, hopes, and aspirations.

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the health and safety of our people and our environment, our two most precious resources.

Thank you again Chairman Carper, Ranking Member Capito, and distinguished members of the Committee for the opportunity to be with you today. I look forward to your questions.

Senate Committee on Environment and Public Works

Hearing Entitled, *“Hearing on the Nominations of Amanda Howe to be Assistant Administrator for Mission Support of the Environmental Protection Agency, David Uhlmann to be Assistant Administrator for Enforcement and Compliance Assurance of the Environmental Protection Agency, and Carlton Waterhouse to be Assistant Administrator of Land and Emergency Management of the Environmental Protection Agency.”*

September 15, 2021

Questions for the Record for Amanda Howe

Ranking Member Capito:

1. Can you describe your prior experience working with federal agencies?

RESPONSE: Throughout my 20 years of public service, I have spent every year working on behalf of the American people, in several capacities across local and state government, in a collaborative manner with our federal agency partners. As Assistant Secretary of Commerce and Trade for the Commonwealth of Virginia, I worked closely with the 16 agencies of the Secretariat to advance a bipartisan agenda that delivered for all Virginians. My career path later led me to serve Governor Tim Kaine as Executive Director of Virginia’s Royal Welcome in 2007, and as Deputy Chief of Staff and Acting Chief of Staff to the Mayor of New York City. If confirmed, I expect my senior management experience in state and local government, where I worked in partnership with federal agencies, to guide my approach—focused on transparency, collaboration, logistics, and operational know-how.

2. Your past experience includes working for politicians such as Kamala Harris, Bill de Blasio, and Maya Wiley. Do you support the environmental policies that were endorsed by these progressive candidates?

RESPONSE: I support President Biden’s whole-of-government approach to addressing climate change and other environmental issues, and if confirmed I look forward to supporting the Administration’s environmental goals through my work in the Office of Mission Support, as appropriate.

3. Can you explain how your experience in partisan politics and campaigns will inform your actions as Assistant Administrator in working across the aisle with both parties in Congress?

RESPONSE: All of my work experience shares a common thread—a focus on transparency, collaboration, logistics, and operational know-how. I learned early on in my career, during my time working for the Commonwealth of Virginia, with a divided state government, the importance of working collaboratively with both

Republicans and Democrats to make progress and deliver bipartisan solutions. If confirmed, I intend to bring this collaborative approach to my work in the Office of Mission Support at EPA.

4. The EPA Office of Mission Support provides the Agency with critical support on efforts to improve efficiency, coordination, and services for the public, including the EPA's grants management. During this Administration, my office has frequently received neither advance notice of major grant announcements nor of financial and program-focused initiatives that EPA is rolling out. If confirmed, do you commit to ensuring that as Ranking Member of this Committee, my staff and I receive advanced notice of grant announcements?

RESPONSE: Managing the use of taxpayer dollars is a serious responsibility. If confirmed, I will work to ensure that the grants management plan is managed responsibly; and that the grants are strategic, effective and accountable. This can be achieved by working collaboratively and transparently. I register your concern. I look forward to learning more about this issue from the team at EPA's Office of Mission Support.

5. I have previously written to EPA on April 27, 2021 and July 29, 2021 requesting a full accounting of how the Agency has expended and plans to expend the \$100 million appropriated under section 6002 of H.R. 1319, the "American Rescue Plan" (ARP, Public Law 117-2). EPA provided an initial, incomplete response to me on June 24, 2021, and then, fewer than 24 hours after the response letter, EPA publicly announced additional details regarding the \$50 million for environmental justice initiatives, including 14 projects receiving approximately \$2.8 million in funding under section 6002—all projects that were unaccounted for in the June 24th response. Additionally, on July 7, 2021, EPA announced the availability of the remaining \$50 million in ARP funding for projects focused on air quality monitoring PA's lack of communication and full transparency about imminent plans to publicly announce the awards was disappointing. If confirmed, do you commit to reviewing all the materials and information that has been provided to the Committee and provide supplemental responses with any additional details that I have requested, but the EPA has failed to provide to date?

RESPONSE: I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I look forward to learning more about this issue from the team in EPA's Office of Mission Support and working with EPA staff to accommodate Congress' interests.

6. If confirmed, do you commit to providing my staff advance notice of any ARP funding that is being distributed or funding opportunities under the ARP that are being announced?

RESPONSE: I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I look forward to learning more about this issue from the team in EPA's Office of Mission Support and working with EPA staff to accommodate Congress' interests.

7. In distributing \$50 million of its ARP funding, EPA has chosen to distribute a majority of the funds to date as "environmental justice grants" through the Office of Environmental Justice. The EPA's use of "environmental justice grants" through the Office of Environmental Justice differs from the Agency's authority to issue grants or conduct activities under the Clean Air Act, Safe Drinking Water Act, Comprehensive Environmental Response Compensation and Liability Act, and Energy Policy Act of 2005, which were specific authorities Congress directed EPA to use in distributing funds in the ARP. The ARP did not direct EPA to issue "environmental justice" grants. Do you believe EPA must adhere to the plain language of Congressional authorizations and appropriations in distributing grants? If not, why not?

RESPONSE: I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I look forward to learning more about this issue from the team in EPA's Office of Mission Support and working with EPA staff to accommodate Congress' interests.

Senator CARPER. Thanks very much for your comments and that statement.

Now we will hear from Mr. Uhlmann.

Mr. Uhlmann, would you please proceed? Thank you.

STATEMENT OF DAVID UHLMANN, NOMINEE TO BE ASSISTANT ADMINISTRATOR FOR ENFORCEMENT AND COMPLIANCE ASSURANCE, ENVIRONMENTAL PROTECTION AGENCY

Mr. UHLMANN. Thank you, Chairman Carper, Ranking Member Capito, and members of the Committee, for the opportunity to appear before you today.

Thank you to Senator Stabenow for your gracious introduction.

I am honored and grateful that President Biden has nominated me to serve as an Assistant Administrator for the United States Environmental Protection Agency.

I would like to thank my wife, Virginia Murphy.

Senator CARPER. Virginia, would you raise your hand, please? Thank you.

Mr. UHLMANN. Virginia has been steadfast in her support of what she terms my quest to return to public service. Our daughter, Megan, could not join us today.

Senator CARPER. How old is Megan?

Mr. UHLMANN. Megan is 36 and is the mother of our two granddaughters, Adelaide and Sophia. They are watching from Maine.

I am delighted that our son, Graham; our daughter, Emily; and Emily's partner, Jake, are all here.

Senator CARPER. Will the three of you raise your hands, please? Thank you.

Mr. UHLMANN. As you know, the challenges involved in public service are visited most often upon family members. I am grateful to each of them.

I would also like to introduce my mom, Ruth Uhlmann, and my stepfather, Craig Matthews.

Senator CARPER. Would you raise your hands, please? It is great to see you. I know you must be proud.

Mr. UHLMANN. I am delighted that they can be here, too.

My father is no longer alive but he would be so proud of me today. His family fled Nazi Germany and emigrated to the United States in 1938, a generation after my mother's family fled persecution in Russia. Their sacrifices and this country made my accomplishments possible.

Just before he became President, John F. Kennedy said, "For of those to whom much is given, much is required." I repeat those words to my students on the first day of law school because I believe all of us have an obligation to help those who are less fortunate and to do what we can to help make the world a better place. I strive to remain always true to those values.

I have devoted my career to seeking justice for communities exposed to harmful pollution and ensuring that all Americans can breathe clean air and drink clean water. Our Nation's environmental laws provide exceptional tools for improving the lives of hard working Americans and meeting our obligations as stewards of the environment for future generations.

I served for 17 years at the Justice Department, where the cases I prosecuted were not about winning or losing but about promoting fair enforcement of our environmental laws and ensuring that companies who act with ethics and integrity are not at a competitive disadvantage with those who flout the law.

I was the lead prosecutor in the first environmental justice criminal trial where residents of West Memphis lived next to a hazardous waste site for more than a decade.

I tried a knowing endangerment case in Idaho, where a 20 year old worker suffered severe and permanent brain damage because his employer forced him to illegally dispose of cyanide waste without even the most basic safety equipment.

In each of my cases, it was a privilege to appear in court for the United States of America.

In June 2000, I became the sixth Chief of the Environmental Crimes Section at the Justice Department. In that role, starting during the last year of the Clinton administration and continuing for 6 and a half years of the Bush administration, I led an office dedicated to the fair and principled enforcement of the criminal provisions of our environmental laws and ensuring that companies and individuals who put our communities at risk were brought to justice.

If confirmed by the Senate, my long history of Government service, during both Democratic and Republican administrations, would allow me to provide leadership with support from career staff I know, respect, and admire. I also would offer valuable experience and perspective from outside Washington gained over the last 14 years as a law professor.

When the University of Michigan recruited me to serve as the inaugural director of its environmental law and policy program, I welcomed the opportunity because I saw mentoring the next generation of environmental lawyers at one of our top public universities as a natural continuation of my public service at the Justice Department. My work at Michigan has broadened my perspective about how illegal pollution harms our communities, enhanced my understanding of how the Federal Government must work in partnership with State environmental protection efforts, and given me the opportunity to work closely with environmental groups and the business community.

If confirmed, I will continue listening to those varied perspectives and promote partnerships across the Federal Government and with outside stakeholders. I still believe that protecting our environment is an area where we can find common ground, as we have in the past. We should highlight the efforts of companies that promote ethics, integrity, and environmental stewardship, while holding accountable companies who break the law and expose our communities to harm.

I hope to provide the broad based, open minded, and experienced leadership needed to ensure the effectiveness of the environmental laws passed by Congress and promote a sustainable future for our children and grandchildren.

Thank you again for the opportunity to appear before you today. I look forward to answering your questions.

[The prepared statement of Mr. Uhlmann follows:]

David M. Uhlmann
Nominee for Assistant Administrator
United States Environmental Protection Agency
Office of Enforcement and Compliance Assurance

Thank you, Chairman Carper, Ranking Member Capito, and Members of the Committee for the opportunity to appear before you today—and thank you to Senator Stabenow for her gracious introduction. I am honored and grateful that President Biden has nominated me to serve as an Assistant Administrator for the United States Environmental Protection Agency.

I'd like to thank my wife, Virginia Murphy, who is here today along with our three children, Megan, Graham, and Emily, and our eldest granddaughter, Addie Mae. Virginia has been steadfast in her support of what she terms my “quest” to return to public service. As you know, the challenges involved in public service are visited most often upon family members. I am grateful to each of them.

My father's family fled Nazi Germany and immigrated to the United States in 1938, a generation after my mother's family fled persecution in Russia. They are not with us today, but they are in my thoughts. Their sacrifices and this country made my accomplishments possible.

Just before he became President, John F. Kennedy said, “for of those to whom much is given, much is required.” I repeat those words to my students on the first day of law school, because I believe that all of us have an obligation to help those who are less fortunate and to do what we can to help make the world a better place. I strive to remain always true to those values.

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I served for 17 years at the Justice Department, where the cases I prosecuted were not about winning or losing but about promoting fair enforcement of our environmental laws and ensuring that companies who act with ethics and integrity are not at a competitive disadvantage with those who flout the law. I was the lead prosecutor in the first environmental justice criminal trial in the United States, where residents of West Memphis lived next to a hazardous waste site for more than a decade. I tried a knowing endangerment case in Idaho, where a 20-year-old worker suffered severe brain damage because his employer illegally forced him to dispose of cyanide waste. In each of my cases, it was a privilege to appear in court "for the United States of America."

In June 2000, I became the sixth Chief of the Environmental Crimes Section at the Justice Department. In that role, starting during the last year of the Clinton administration and continuing for 6½ years of the Bush administration, I led an office dedicated to the principled and consistent enforcement of the criminal provisions of our environmental laws and ensuring that companies and individuals who put our communities at risk were brought to justice.

If confirmed by the Senate, my long history of government service—during both Democratic and Republican administrations—would allow me to provide leadership with support

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from career staff whom I know, respect, and admire. I also would offer valuable experience and perspective from outside Washington gained over the last 14 years as a law professor.

When the University of Michigan recruited me to serve as the inaugural director of its environmental law and policy program, I welcomed the opportunity because I saw mentoring the next generation of lawyers—at one of our top public universities—as a natural continuation of my public service at the Justice Department. My work at Michigan has broadened my perspective about how illegal pollution harms our communities, enhanced my understanding of how the federal government must work in partnership with state environmental protection efforts, and given me the opportunity to work closely with environmental groups and the business community. If confirmed, I will continue listening to those varied perspectives and promote partnerships across the federal government and with outside stakeholders.

I still believe that protecting our environment is as an area where we can find common ground, as we have in the past. We should highlight the efforts of companies that promote ethics, integrity, and environmental stewardship, while holding accountable companies who break the law and expose our communities to harm. I hope to provide the broad-based, open-minded, and experienced leadership needed to ensure the effectiveness of the environmental laws passed by Congress and promote a sustainable future for our children and grandchildren.

Thank you again for the opportunity to appear before you today. I look forward to answering your questions.

Senate Committee on Environment and Public Works Hearing Entitled, “Hearing on the Nominations of Amanda Howe to be Assistant Administrator for Mission Support of the Environmental Protection Agency, David Uhlmann to be Assistant Administrator for Enforcement and Compliance Assurance of the Environmental Protection Agency, and Carlton Waterhouse to be Assistant Administrator of Land and Emergency Management of the Environmental Protection Agency”

September 15, 2021

Questions for the Record for Assistant Administrator David Uhlmann

Senator Markey:

1. People of color, marginalized communities, and low-income communities continue to bear the brunt of pollution through systemic oppression and inaccessible solutions. If confirmed, will you work to ensure that all of our communities benefit from a clean and healthy environment?

RESPONSE: Yes. If confirmed, I will work to strengthen our environmental protections, including for communities of color and socio-economically disadvantaged communities that are disproportionately impacted by pollution in both urban and rural areas.

2. The Environmental Protection Agency’s (EPA) Enforcement and Compliance History Online (ECHO) site is currently only available in English. ECHO is already a complex database, and this additional barrier renders it inaccessible to the many Americans who do not read or speak English. If confirmed, will you commit to making ECHO information available in additional languages, such as Spanish?

RESPONSE: If confirmed, I will confer with the EPA team to understand why the ECHO database is currently only available in English and learn what options exist to make the information available in additional languages.

Ranking Member Capito:

1. Working with stakeholders to ensure entities are in compliance with existing laws and regulations is also a critical function of the Office of Enforcement and Compliance Assurance (OECA). Can you provide an example of when you worked with an entity to help them comply with existing statutes?

RESPONSE: I served as the counselor to the independent compliance monitor appointed by the Justice Department after the VW diesel scandal. In that role, I conducted numerous training sessions for senior management officials at VW and Audi, including the VW and Audi boards, about compliance with environmental laws. Our Nation’s environmental laws provide exceptional tools for improving the lives of hard-working Americans and meeting our obligations as stewards of the

environment for future generations. If confirmed by the Senate as Assistant Administrator for EPA's Office of Enforcement and Compliance Assurance, I intend to highlight the efforts of companies that promote ethics, integrity, and environmental stewardship, while holding accountable companies who break the law or expose our communities to harm.

2. What do you see as the appropriate role of EPA working with regulated communities and entities, including entities in rural areas with limited financial resources, to come into compliance with environmental regulations?

RESPONSE: I understand how illegal pollution harms our communities in rural areas, how the federal government must work in partnership with state environmental protection efforts, and the opportunities that are available to work closely with interested organizations and the business community. If confirmed, I look forward to listening to those varied perspectives and promoting partnerships across the federal government with stakeholders.

3. Under Administrator Regan, OECA has issued a criminal enforcement environmental memorandum on June 21, 2021 that encouraged staff to "think creatively" about ways to enhance remedies for "past harms."¹ How would you implement the direction in this memorandum if confirmed?

RESPONSE: If confirmed, I look forward to being briefed on the June 21, 2021 memorandum by my team in the Office of Enforcement and Compliance Assurance and discussing its fair and consistent implementation in a transparent manner.

4. From your perspective being in a role outside the federal government, what are examples of "creative" ways to enhance remedies?

RESPONSE: If confirmed, I look forward to being briefed on the June 21, 2021 memorandum by my team in the Office of Enforcement and Compliance Assurance and discussing its fair and consistent implementation in a transparent manner.

5. What is your perspective of the scope of "past harms" that need to be remedied and whether future enforcement actions the proper method to address them?

RESPONSE: If confirmed, I look forward to being briefed on the June 21, 2021 memorandum by my team in the Office of Enforcement and Compliance Assurance and discussing its fair and consistent implementation in a transparent manner.

6. How would you define an environmental justice community?

¹ US EPA, Memorandum on Strengthening Environmental Justice Through Criminal Enforcement (June 21, 2021), <https://www.epa.gov/system/files/documents/2021-07/strengtheningenvironmentaljustice062121.pdf>

RESPONSE: I understand that EPA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

7. If confirmed, would you have plans to shift staff or funds to focus on particular sectors or media?

RESPONSE: I do not have predetermined plans to shift staff or funds to focus on particular sectors or media. If confirmed, I look forward to learning more about staffing and funding needs from my team in the Office of Enforcement and Compliance Assurance.

8. If so, how would you ensure transparency and effective communication to the public, states, and industry regarding these decisions?

RESPONSE: I do not have predetermined plans to shift staff or funds to focus on particular sectors or media. If confirmed, I look forward to learning more about staffing and funding needs from my team in the Office of Enforcement and Compliance Assurance and to ensuring transparency and effective communication about any subsequent decisions that I make.

9. Can you describe your position on the role of criminal versus civil enforcement tools and actions available to EPA and what is your view of the proper balance between these types of enforcement tools and actions?

RESPONSE: Congress provided EPA a range of enforcement tools to address pollution that harms American communities. EPA must strike a balance among those remedies when violations occur, with criminal enforcement reserved for the most egregious violations that occur with a culpable mental state. If confirmed, I look forward to working with the experienced civil and criminal enforcement teams in the Office of Enforcement and Compliance Assurance to ensure an appropriate balance among the available enforcement and compliance tools.

10. If confirmed, how would you balance the application and use of supplemental environmental projects and other mitigation efforts versus injunctive relief when resolving enforcement disputes?

RESPONSE: If confirmed, I look forward to working with the experienced career staff at EPA to determine the best approach moving forward with respect to the use of supplemental environmental projects and other mitigation efforts and how to balance those with injunctive relief.

11. EPA recently detailed a *Memorandum of Understanding on Collaborative Efforts on Enforcement and Compliance Assurance in Overburdened Communities between the U.S*

*EPA Region 9 and the California Environmental Protection Agency,*² which it claims will “[e]nhance existing collaborations by increasing joint inspections in overburdened communities... [and] [p]romote coordination of enforcement responses, including joint judicial enforcement actions in overburdened communities.”³ How is this a change from the way EPA currently works with states to handle enforcement issues? If it is a change, why is it only being extended to the state of California, and do you interpret it as also having bearing on other states which reference California’s environmental laws in their own statutes?

RESPONSE: I know from my experience with the Justice Department and as a law professor that the federal government must work in partnership with state environmental protection efforts to be successful. If confirmed, I look forward to being briefed on this memorandum.

12. What is the value of joint inspections or joint judicial enforcement actions, and how can they impact enforcement outcomes?

RESPONSE: I know from my experience with the Justice Department and as a law professor that the federal government must work in partnership with state environmental protection efforts to be successful. If confirmed, I look forward to working with EPA’s state partners to strengthen environmental protection.

13. EPA’s press release states that enforcement resources and compliance-related activities will be targeted and informed by the knowledge and lived experience of overburdened communities. Can you elaborate on how this information will be weighed and considered in enforcement or compliance activities? Would this equate to picking and choosing enforcement actions to which EPA decides to devote resources?

RESPONSE: President Biden has made a commitment to environmental justice and equity as a cornerstone of his agenda. Securing environmental justice for communities most overburdened by pollution is a priority for Administrator Regan, and it will be a priority for me if I am confirmed.

14. What do you consider a working definition of “overburdened communities”?

RESPONSE: President Biden has made a commitment to environmental justice and equity as a cornerstone of his agenda. Securing environmental justice for communities most overburdened by pollution is a priority for Administrator Regan, and it will be a priority for me if I am confirmed.

² https://calepa.ca.gov/wp-content/uploads/sites/6/2021/09/2021-09-10-MOU_CalEPA-USEPA-1.pdf

³ US EPA, Press Release, *U.S. EPA, CalEPA launch joint effort to strengthen environmental enforcement in communities overburdened by pollution* (Sept. 20, 2021), <https://www.epa.gov/newsreleases/us-epa-calepa-launch-joint-effort-strengthen-environmental-enforcement-communities>.

15. Under the Trump Administration, EPA issued a Notice of Violation to the City of San Francisco regarding their combined sewer overflows (CSO), which has been disputed by the City.⁴ What follow-up actions would you take to address this NOV?

RESPONSE: I have no predetermined actions in mind related to this Notice of Violation. If confirmed, I look forward to being briefed on this issue.

16. In a 2013 publication for the American Constitution Society, you stated the Obama Administration should adopt a carbon tax, increase regulation for power plants and fracking, and institute a Clean Energy Standard (CES) with a preference for renewables.⁵ Do you believe that a carbon tax should be implemented as a way to reduce the federal deficit and what are your views of the versions of these policies included in the House-proposed *Build Back Better Act*?

RESPONSE: My 2013 publication reflected my personal opinions about a sensible environmental agenda during the second term of the Obama administration (2013-2016). I support President Biden's whole-of-government approach to addressing climate change, and if confirmed I look forward to supporting the Administration's climate goals through my work in the Office of Enforcement and Compliance Assurance, as appropriate. My role as Assistant Administrator will be to enforce the laws Congress enacts and any regulations EPA develops to protect our communities from the devastating effects of climate change.

17. What is your view of EPA's existing authority to address climate change under the Clean Air Act?

RESPONSE: I understand that EPA's Office of Air and Radiation has the lead role at EPA for addressing climate change under the Clean Air Act. If confirmed, I look forward to working with my colleagues in the Office of Air and Radiation to fulfill the duties assigned to me in EPA's Office of Enforcement and Compliance Assurance.

18. President Biden's key advisory council for environmental justice, the White House Environmental Justice Advisory Council (WHEJAC), advised President Biden that any new federal funding or support for natural gas, nuclear power development, technologies like carbon capture utilization and storage (CCUS), or highway expansion should not be considered beneficial for environmental justice communities.⁶ Do you agree with this finding?

⁴ US EPA, *City and County of San Francisco NPDES Compliance Information*, <https://www.epa.gov/ca/city-and-county-san-francisco-npdes-compliance-information>.

⁵ "Toward A Sustainable Future: An Environmental Agenda for the Second Term of the Obama Administration," published in *Toward A More Perfect Union: A Progressive Blueprint for the Second Term*, American Constitution Society for Law and Policy (January 2013), <https://repository.law.umich.edu/other/75/>

⁶ US EPA, *White House Environmental Justice Advisory Council Final Recommendations: Justice40, Climate and Economic Justice Screening Tool and Executive Order 12898 Revisions* (May 21, 2021), <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council-final-recommendations>

RESPONSE: If confirmed, I look forward to being briefed about the recommendations of the White House Environmental Justice Advisory Council and their potential implications for EPA’s Office of Enforcement and Compliance Assurance.

19. If confirmed, would you support the implementation of the recommendations from WHEJAC in prioritizing EPA enforcement actions?

RESPONSE: If confirmed, I look forward to being briefed about the recommendations of the White House Environmental Justice Advisory Council and their potential implications for EPA’s Office of Enforcement and Compliance Assurance.

20. The federal government is not the only governmental entity that protects the environment. Do you feel that an absence or reduction in the federal jurisdiction of an environmental statute equates to an actual environmental harm?

RESPONSE: I know from my experience with the Justice Department and as a law professor that the federal government must work in partnership with state environmental protection efforts to ensure that all Americans have access to clean air and clean water and to prevent environmental harm in rural and urban areas.

21. In a 2018 *New York Times* op-ed, you criticized President Trump’s proposed Navigable Waters Protection Rule (NWPR), calling it an “assault on the environment” and claimed that “the EPA is disregarding basic science.”⁷ In making those statements, did you have data showing the proposal would result in specific and measurable environmental harms or damage?

RESPONSE: My opinion piece, *Trump Wants to Weaken Clean-Water Rules*, was published by the New York Times on December 12, 2018. My personal opinions about the Navigable Waters Protection Rule (NWPR) were based on my 17 years of experience prosecuting environmental crimes at the Justice Department and more than a decade of teaching environmental law. As I stated in that piece, I believe “...we need to do more to protect America’s waterways and ensure continued progress in the effort to provide clean drinking water, and fishable and swimmable streams — the goals Congress set when it passed the Clean Water Act in 1972.” It is my understanding that EPA’s Office of Water has the lead role at EPA for this regulation. If confirmed, I look forward to working with my colleagues in the Office of Water, as needed, to fulfill the duties assigned to me in EPA’s Office of Enforcement and Compliance Assurance.

⁷ David M. Uhlmann, *Trump Wants to Weaken Clean-Water Rules*, NEW YORK TIMES (Dec. 12, 2018), <https://www.nytimes.com/2018/12/12/opinion/trump-clean-water-weaken-rules.html>.

22. Do you have data showing that actual and realized environmental harm or damage has taken place since the NWPR was finalized and implemented?

RESPONSE: I understand that the NWPR has been vacated and remanded to the agencies, and that the agencies have halted implementation of the NWPR and are interpreting “waters of the United States” consistent with the pre-2015 regulatory regime until further notice. It is also my understanding that EPA’s Office of Water has the lead role at EPA for this regulation. If confirmed, I look forward to working with my colleagues in the Office of Water, as needed, to fulfill the duties assigned to me in EPA’s Office of Enforcement and Compliance Assurance.

23. In your EPW Nominations Questionnaire document and other documents that were provided to the Committee, in response to a question on whether you would sever all connections with your present employer if you were confirmed, you stated that you would not. You cited University of Michigan rules which allowed for you to request a leave of absence. In response to recent questions about political officials and leave of absences, EPA officials have stated multiple times:

“Consistent with White House policy over several administrations, political appointees (with the exception of Senate-confirmed appointees) are permitted to take a leave of absence from an academic institution during their government tenure, provided that the required recusals are in place to avoid a potential or actual conflict of interest.”⁸

Given this White House policy, do you still plan on taking a leave of absence if confirmed?

RESPONSE: I take seriously my ethical obligations and, if confirmed, I expect to work with EPA’s Designated Agency Ethics Official and EPA’s Ethics Office for consultation and advice about meeting my ethical obligations.

As outlined in my ethics agreement, if confirmed, I will take an unpaid leave of absence from my positions as the Jeffrey F. Liss Professor of Practice and the Director of the Environmental Law and Policy Program, both at the University of Michigan. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the University of Michigan, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for either the exemption for employees on leave from institutions of higher learning allowing participation in certain particular matters of general

⁸ Kevin Bogardus, *Republicans question EPA appointee's 'strong ties to China'*, POLITICO (Sept. 7, 2021), <https://subscriber.politicopro.com/article/eenews/2021/09/07/republicans-question-epa-appointees-strong-ties-to-china-280303>; Fred Lucas, *EPA official's ties to China-linked university spark questions*, FOX NEWS (Sept. 21, 2021), <https://www.foxnews.com/politics/epa-official-ties-china-linked-university> (emphasis added).

applicability at 5 C.F.R. § 2640.203(b), or another regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

My decision to take a leave of absence, upon confirmation, is based on the advice I have received from EPA's Office of General Counsel/Ethics Office, and my understanding that taking an unpaid leave of absence from a domestic academic institution is consistent with existing university policies and long-standing White House practice spanning several administrations.

24. Do you anticipate any required recusals?

RESPONSE: I take seriously my ethical obligations and, if confirmed, I expect to work with EPA's Designated Agency Ethics Official and EPA's Ethics Office for consultation and advice about meeting my ethical obligations. If confirmed, I will abide by my commitments articulated in my ethics agreement and recuse appropriately. I will issue a recusal statement.

Senator Inhofe:

1. Mr. Uhlmann, the Office of Enforcement and Compliance Assurance (OECA) plays an important role in bringing to justice bad actors who break environmental laws and put our communities at risk. It's important to remember that the overwhelming majority of the regulated community seek to comply with U.S. laws and regulations. Mr. Uhlmann, what would be your approach to balancing the responsibilities of enforcement while also helping the regulated community better comply with our laws?
 - a. Would you agree that OECA should prioritize helping the regulated community comply with the nation's environmental laws over punitive, heavy-handed penalties to the extent possible?

RESPONSE: I agree with Administrator Regan that EPA cannot regulate our way out of every issue. If confirmed, I will highlight the efforts of companies that promote ethics, integrity, and environmental stewardship, while holding accountable companies who break the law and expose our communities to harm.

Senator CARPER. Mr. Uhlmann, thank you very much. Thank you for all of your service.

Now we are going to hear from Carlton Waterhouse.

Mr. Waterhouse, you may begin when you are ready. I know you have a couple of people from your family here. Feel free to introduce them if you would.

STATEMENT OF CARLTON WATERHOUSE, PH.D., NOMINEE TO BE ASSISTANT ADMINISTRATOR FOR LAND AND EMERGENCY MANAGEMENT, ENVIRONMENTAL PROTECTION AGENCY

Mr. WATERHOUSE. Thank you so much, Senator.

Thank you, Chairman Carper, Ranking Member Capito, and members of the Committee.

I am grateful for your time and honored to appear before you this morning. I want to thank Senator Warner for his kind introduction. I want to thank President Biden for nominating me for this position.

I want to thank my father, and mother, and grandmother for their support and encouragement through the years. I especially want to thank my wonderful wife, Courtney, who is here with me today. I am blessed to have her at my side.

Senator CARPER. Wife of 4 months?

Mr. WATERHOUSE. Wife of 4 months; that is right.

Senator CARPER. The first 4 months are the toughest. Hang in there, Courtney.

[Laughter.]

Mr. WATERHOUSE. Thank you, Senator.

I also want to thank my pastor and church family who are praying for me.

I want to acknowledge those who are here with me today. In addition to Courtney, I have my two amazing children, Nia and Joshua.

Senator CARPER. Nia and Joshua, would you raise your hands? Welcome.

Mr. WATERHOUSE. My father and mother were unable to make the trip to join us unfortunately, but they are watching on television along with my brother and sister, and my 106 year old grandmother.

Senator CARPER. Did you say 106?

Mr. WATERHOUSE. One hundred and six.

Senator CARPER. What is her secret for living that long?

Mr. WATERHOUSE. She never owned a car.

[Laughter.]

Senator CARPER. I am going to sell my car tomorrow. That is amazing. When I meet people who are 82 or whatever, I will say I hope when I am 82, I know who I am and where I am. One hundred and six is just amazing.

Mr. WATERHOUSE. She is very spry. She is a spry 106.

Senator CARPER. And may be with us for a while.

Mr. WATERHOUSE. I have dedicated my life to raising my voice for people whose needs go unheard. When I advocate for others, I reflect on the wisdom and amazing life lessons I received from my

parents and my grandmother. They instilled in me the value of hard work, public service, and faith.

My father grew up in the Jim Crow South in a small town in east Texas. He joined the Army at 17 to escape the mistreatment that he and other African Americans lived through daily.

He served faithfully through the transition from the segregated Army and was ultimately promoted to the rank of Master Sergeant. He earned a Purple Heart, Bronze Star, and other medals for his valiant service in the Korean War.

Senator CARPER. For those who don't know, Master Sergeant is pretty good, isn't it? What is that, an E8?

Mr. WATERHOUSE. Yes, sir.

Senator CARPER. You can't do much better than that.

Mr. WATERHOUSE. He retired from the Army following 20 years of military service and dedicated 20 more years through the 1970s and 1980s as a civil servant managing commissaries for our troops and their families in Virginia and Alaska. In fact, it was our drive from my hometown in Virginia to Alaska that provided me with the early appreciation for the beauty of our country and the wonder of the natural world.

My mother likewise spent over 30 years of her life in Federal service, including 10 years with the International Trade Commission. She worked her way up from an entry level position to become an office manager before she retired.

She, like her mother, my grandmother, demonstrated persistence in the face of adversity. My grandmother worked as a server for many years in an all white country club in my hometown that continued to exclude blacks and other people of color from membership up through my time attending law school. We never dropped her off or visited her at work since we were not welcome there unless we were workers.

Like so many African Americans, they endured these challenges through an abiding faith in God. Likewise, my faith undergirds my life. I am a first generation college graduate. It was my faith that sustained me through challenges as a young man and ultimately provided me with a sense of purpose and direction that has guided me ever since.

I enrolled in Howard's Law School to focus on civil rights and the environment because of the Christian imperative that we protect people in need and act as stewards of the world. After law school, I began at EPA's Region 4 Office of Regional Council. My 9-plus years of service with EPA in the region and in headquarters gave me first hand experience of environmental protection at the ground level where people experience the worst effects of pollution.

I represented the agency as the lead attorney in cases under the Clean Water Act, the Emergency Planning and Community Right to Know Act, and other environmental laws. But the bulk of my time was spent working within the Superfund and the Resource Conservation and Recovery Act programs.

In Superfund, the Smith's Farm Superfund site stands out among many. I reviewed numerous technical documents for legal sufficiency in that case, as in others, and oversaw the issuance of administrative orders to require responsible parties to clean up the site. I also served as EPA's negotiator with the scores of respon-

sible parties and together with the remedial project manager, created the allocation of responsibility that resulted in a roughly \$40 million settlement for the site.

I worked with State officials to obtain the Nation's first approvals for the Subtitle D Sanitary Landfill Program under RCRA and served as Region 4's lead attorney on environmental justice. I routinely met with community members and EPA staff to address community concerns about environmental problems. I was truly humbled to be recognized by the agency for my work and to be presented with Bronze Medal awards on four separate occasions.

As a law professor, I focused my research on correcting environmental and other social injustices. Drawing on my graduate studies in social ethics, my work promotes policies that better protect people.

In addition to working with students, I dedicated my time to working with community groups faced with environmental challenges in Indiana, Puerto Rico, and in the DC metro area. I have been fortunate to have spent my career on issues near and dear to me, issues that touch the lives of all Americans.

Throughout my career, I have learned so much about the importance of forging consensus, listening intently to varied perspectives, and making decisions that put the well being of our communities first.

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

[The prepared statement of Mr. Waterhouse follows:]

**Carlton Waterhouse
Nominee for Assistant Administrator
United States Environmental Protection Agency
Office of Land and Emergency Management**

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 Committee for the position of Assistant Administrator for Land and Emergency Management at the U.S. Environmental Protection Agency. I look forward to engaging with you, hearing about the Committee's priorities, and discussing how the Office of Land and Emergency Management will support communities across the country in protecting human health and the environment.

I would like to acknowledge my family who is here with me today: My wife Courtney, my father Robert Sr., my mother Lois, my sister Diane, my brother Bob, my daughter Nia, and my son Joshua.

I have dedicated my career to public service, inspired by my parents' service. My parents instilled in me the value of hard work, public service, and faith. My father grew up in the Jim Crow South in a small town in east Texas. He joined the Army at seventeen to escape the mistreatment that he and other African Americans lived through daily and to find new opportunities. He served faithfully in the segregated army, a difficult time in our nation's military, and was promoted to the rank of Master Sergeant. My father, a decorated combat

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veteran, is the recipient of a purple heart and was awarded other medals for his service in the Korean War. He retired from the United States Army following twenty years of military service and then dedicated twenty more years through the 1970s and 1980s as a civil servant running commissaries for our troops and their families in Virginia and Alaska. In fact, it was our drive from my hometown of Newport News, Virginia to Anchorage, Alaska that provided me with an early appreciation for the natural beauty of our country and the wonder of the world in which we live.

My mother likewise spent over thirty years of her life as a civil servant, including ten years serving with the International Trade Commission. She worked her way up from an entry level clerk to become an office manager before she retired. She, like her mother, my grandmother, demonstrated persistence in the face of adversity. My grandmother worked as a server for many years in an all-white country club in my hometown that continued to exclude blacks and other people of color from membership through my time attending law school. We never dropped her off or visited her at work as African Americans were not welcome there—except as workers. Despite the significant challenges that each of them faced for things that they could not control, they confronted the obstacles before them and persisted, ultimately placing their faith in GOD.

Like them, my faith guides and undergirds my life. As a first-generation college graduate, I must admit that I had real doubts about my ability to go to college and to graduate. In those years, my faith sustained me and provided the sense of purpose and direction that has guided me ever since. I have dedicated my career to public service and advocating for people who have

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been underserved and overlooked within society. This drive led me to enroll in the Howard University School of Law and to focus on civil rights and environmental law.

After law school, I accepted an offer from EPA's Region 4 office to join the office of regional counsel. My nine plus years of service with EPA working in the region, and later in headquarters, gave me firsthand experience of environmental protection at the ground level where people experience the worst effects of pollution. I represented the agency as the lead attorney in enforcement cases under the Clean Water Act, the Emergency Planning and Community Right to Know Act, and the Federal Insecticide Fungicide Rodenticide Act, but the bulk of my time was spent working within the Superfund and the Resourceful Conservation and Recovery Act programs.

In Superfund, the Smith's Farm Superfund Site stands out among the many for which I provided legal reviews of remedial investigation and feasibility studies, proposed plans, records of decisions; oversaw information gathering, the issuance of administrative orders to perform cleanup, and the creation of settlement agreements while serving as the agencies lead negotiator in settlement negotiations with scores of potentially responsible parties. That site covered roughly 500 acres due to decades of disposal of waste. Working together, the Remedial Project Manager and I created a waste allocation that enabled a \$40 million settlement for the site clean-up and recovery of EPA costs.

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Under RCRA, I enforced statutory and regulatory requirements by facilities treating, storing, or disposing of hazardous waste, along with assisting states with obtaining the initial approvals for the RCRA Subtitle D Sanitary Landfill Program. My regional work also included serving as the region's lead attorney on environmental justice. In that capacity, I met with community members and EPA staff to find ways to address community concerns at Superfund and RCRA sites and worked with the regional administrator's staff and agency managers to develop regional policies for addressing environmental justice. I was truly humbled to be recognized by the agency for my work and to be awarded Bronze Medal awards on four separate occasions and numerous special act awards.

After leaving EPA, I pursued my doctorate in social ethics to learn how to create laws and policies that treated people rightly and promoted justice for all. As a law professor, I have focused my research and writing on correcting environmental and other social injustices. In addition to working with students, I dedicated my time to working with local community groups faced with environmental challenges in Indiana, Puerto Rico, and more recently, Maryland.

I've been fortunate to have spent my entire career on issues near and dear to me – issues that touch the lives of all our fellow Americans. Throughout my career, I've learned so much about the importance of forging consensus, listening intently to varied perspectives, and making decisions that put the wellbeing of our communities first. If confirmed, I would prioritize cleaning up legacy and emerging pollutants that burden urban, rural, and tribal communities and facilitating site redevelopment in collaboration with community members, local governments, businesses, and other stakeholders. It would be an honor to work with all of you in pursuit of

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these goals and on behalf of the American people.

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

Senate Committee on Environment and Public Works
Hearing Entitled, “Hearing on the Nominations of Amanda Howe to be Assistant Administrator for Mission Support of the Environmental Protection Agency, David Uhlmann to be Assistant Administrator for Enforcement and Compliance Assurance of the Environmental Protection Agency, and Carlton Waterhouse to be Assistant Administrator of Land and Emergency Management of the Environmental Protection Agency.”
September 15, 2021
Questions for the Record for Carlton Waterhouse

Ranking Member Capito:

1. President Biden’s key advisory council for environmental justice, the White House Environmental Justice Advisory Council (WHEJAC), advised President Biden that any new federal funding or support for natural gas, nuclear energy power development, technologies like carbon capture utilization and storage (CCUS), or highway expansion should not be considered as conferring benefits to environmental justice communities.¹ During your nomination hearing, you expressed support for CCUS, which is in direct opposition to the WHEJAC recommendations. What is your view of these contrasting WHEJAC recommendations and what role will they play, if any, in environmental justice-related decisions at EPA moving forward?

RESPONSE: As you reference, in response to charge questions from the White House Council on Environmental Quality (CEQ), the White House Environmental Justice Advisory Council (WHEJAC) issued recommendations on the administration and implementation of Justice40 in May 2021. After receiving those recommendations, the White House issued [interim implementation guidance for the President’s Justice40 Initiative](#). EPA is committed to implementing this guidance in accordance with our statutory authorities to achieve the 40-percent goals.

2. In a 2014 speech, you discussed international environmental justice and stated:

“ . . . countries that are made up of people in the developing world, primarily China and India, have said to the Western nations that are developed already, the reason we have too much carbon in the environment is because you all have polluted the environment for the last 100+ years. . . . And there is so much carbon in the environment that the climate has already started to change. That is a result of the industrialization of the United States, Canada, England[,] France[,] Spain and Portugal, etc. So when they came together to make an agreement about climate change, the developing world countries said ‘Wait a minute, you fill up the bathtub all the way to the brim. And as soon as we decided we need to get some water too, you said we’re causing a problem.’ . . . So those countries in the developing world said ‘it is not just and it is not fair for you to hold us responsible for the problem.’ ”²

¹ <https://www.epa.gov/sites/default/files/2021-05/documents/whiteh2.pdf>

² <https://www.youtube.com/watch?v=4JqOjXO-m-A>

Do you acknowledge that China is the largest greenhouse gas emitter and that emissions reductions in the United States could be more than outweighed by projected increased emissions from China and India?

RESPONSE: As President Biden has said, “We are in a climate crisis.” Climate change is an urgent threat that demands action, both domestically and internationally. It is essential that China and the United States continue to reduce greenhouse gas emissions. China’s efforts to reduce emissions this decade need to be consistent with its position as a leading economy and the world’s largest greenhouse gas emitter.

3. Do you believe that the US must reduce its greenhouse gas emissions more than China and India?

RESPONSE: The Paris Agreement calls for action by all countries to reduce greenhouse gas emissions. Countries across the globe must step up to address the climate crisis. Given that more than 85 percent of emissions come from beyond U.S. borders, domestic action must go hand in hand with international leadership. All countries—and particularly the major economies—must do more to bend the curve on global emissions to keep a 1.5-degree Celsius limit on global average temperature rise within reach.

4. At the American Climate Leadership Summit in 2020, you spoke in support of “climate reparations” at the international level. Specifically, you stated, “*Government has to take responsibility for its actions. Climate reparations is an important part of that and essential to bring about equity...climate reparations expect that countries pay to help other countries prepare for and deal with the problems of climate. I think climate reparations are essential and an important part of having an equitable climate vision.*”³

Under your idea of “climate reparations,” would the US make payments to countries like China and India?

RESPONSE: My speech reflected my personal opinion about addressing climate change. I support President Biden’s whole-of-government approach to addressing climate change, and if confirmed I look forward to supporting the Administration’s climate goals to the extent they are relevant to my work in the Office of Land and Emergency Management.

The Paris Agreement calls for action by all countries to reduce greenhouse gas emissions. Countries across the globe must step up to address the climate crisis. Given that more than 85 percent of emissions come from beyond U.S. borders, domestic action must go hand in hand with international leadership. All countries—and particularly the major economies—must do more to bend the curve on global emissions to keep a 1.5-degree Celsius limit on global average temperature rise within reach.

³ https://www.youtube.com/watch?v=aliHfsObiQU&list=PLfYbm8qPg1cbAUAN_bnA4koq6UmcFmoDs&index=19

5. Do you believe the Administration should make “climate reparations” payments to countries that *continue to increase* their emissions?

RESPONSE: My speech reflected my personal opinion about addressing climate change. I support President Biden’s whole-of-government approach to addressing climate change, and if confirmed I look forward to supporting the Administration’s climate goals to the extent they are relevant to my work in the Office of Land and Emergency Management.

The Paris Agreement calls for action by all countries to reduce greenhouse gas emissions. Countries across the globe must step up to address the climate crisis. Given that more than 85 percent of emissions come from beyond U.S. borders, domestic action must go hand in hand with international leadership. All countries—and particularly the major economies—must do more to bend the curve on global emissions to keep a 1.5-degree Celsius limit on global average temperature rise within reach.

6. What do you believe the role for EPA in administering “climate reparations” would be?

RESPONSE: My speech reflected my personal opinion about addressing climate change. I support President Biden’s whole-of-government approach to addressing climate change, and if confirmed I look forward to supporting the Administration’s climate goals to the extent they are relevant to my work in the Office of Land and Emergency Management.

The Paris Agreement calls for action by all countries to reduce greenhouse gas emissions. Countries across the globe must step up to address the climate crisis. Given that more than 85 percent of emissions come from beyond U.S. borders, domestic action must go hand in hand with international leadership. All countries—and particularly the major economies—must do more to bend the curve on global emissions to keep a 1.5-degree Celsius limit on global average temperature rise within reach.

7. During the hearing, in response to your prior use of #ResistCapitalism on your public-facing Twitter, you stated that you were “not very active on Twitter” and you were “not sure what it was referencing.” You have used hashtag in 13 Tweets, which are included below for context. Can you please explain what your use of this hashtag was meant to signify for each of the 13 tweets?

 **Carlton Waterhouse** @CarltonWJD · Apr 27, 2015 ...
[#ResistCapitalism](#) [#inequality](#)

America's wealth has been systematically redirected to the top 1% since the 1980s. [youtube.com/watch?v=6niWzo...](https://www.youtube.com/watch?v=6niWzo...)

  2  

 **Carlton Waterhouse** @CarltonWJD · Apr 25, 2015 ...
The ugly truth about energy. The ends don't justify the means. [#inequality](#)
[#environmentalawareness](#) [#ResistCapitalism](#) twitter.com/socialjusticem...

This Tweet is unavailable.

 **Carlton Waterhouse** @CarltonWJD · May 17, 2015 ...
Inexpensive products have a high cost. Workers pay with their happiness, health & their lives. [#ResistCapitalism](#)

 **Leisy Abrego** @AbregoLeisy · May 17, 2015
72 women died in a factory fire in the Philippines this week. Their lives as sweatshop workers were always in danger.
womeninandbeyond.org/?p=18682

  2  1 

 **Carlton Waterhouse** @CarltonWJD · May 19, 2015 ...
Your food choices are not just important for your health & animal welfare.
[#ResistCapitalism](#) [#injustice](#)

 **Mother Jones** @MotherJones · May 19, 2015
John Oliver explains how the chicken industry screws over farmers and keeps them in poverty bit.ly/1FtGCD3



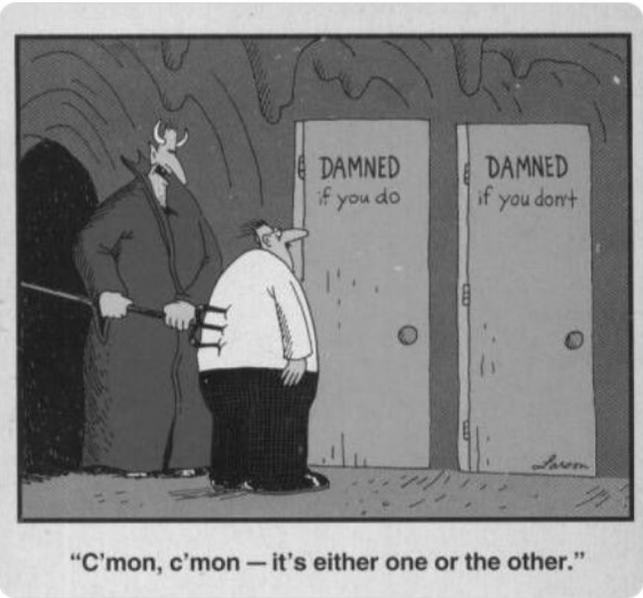
  1  

-  **Carlton Waterhouse** @CarltonWJD · Jun 1, 2015 ...
It's not enough 2 fight [#racism](#) & [#ResistCapitalism](#) or say [#AllLivesMatter](#). [#Inequality](#) is caused by Social Dominance. Replace it w/justice!
   
-  **Carlton Waterhouse** @CarltonWJD · Apr 27, 2015 ...
1947-1977 90% of income gains went to bottom 90% & 10% of gains went to top 10%. 1978-2008 top 1% took 90% of the gains. [#ResistCapitalism](#)
  1  
-  **Carlton Waterhouse** @CarltonWJD · Apr 28, 2015 ...
Why do the bottom 80% or 240 million Americans only have 7% of the country's wealth? Hint, its no accident. [#ResistCapitalism](#) [#inequality](#)
  1  
-  **Carlton Waterhouse** @CarltonWJD · Apr 27, 2015 ...
400 wealthiest Americans control more wealth than half the population (150 million people). Its time to [#ResistCapitalism](#) and [#inequality](#).
   
-  **Moke** @Moke453 · May 18, 2015 ...
Replying to @CarltonWJD
[@CarltonWJD](#) Your tweet was hashtagged with "resist capitalism," but now the name of the system is irrelevant?
 1   
-  **Carlton Waterhouse** @CarltonWJD · May 18, 2015 ...
[@Moke453](#) Many people worship capitalism like it's divine & ignore the harm it causes. It's just a tool. Let's improve it. [#ResistCapitalism](#)
 1  1  
-  **Carlton Waterhouse** @CarltonWJD · May 24, 2015 ...
[@ArthurRothbard](#) not a god. More like a priest protecting the faith from heretic nonbelievers challenging church orthodoxy. [#ResistCapitalism](#)
  1  
-  **Carlton Waterhouse** @CarltonWJD · May 19, 2015 ...
[@newsone](#) we really need an [#inequality](#) czar to study the vast wealth inequality from top to bottom and how to change it. [#ResistCapitalism](#)

 **Carlton Waterhouse** @CarltonWJD · May 17, 2015 ...
What does slavery have to do with capitalism? Plenty! A truly "free market" profits from slavery [#ResistCapitalism](#).
yesmagazine.org/issues/make-it...

 **Carlton Waterhouse** @CarltonWJD ...

Replying to [@thatbillokeefe](#)
[@DefendWallSt](#) we have heard that before. If the conditions are bad just work somewhere else.
[#ResistCapitalism](#)



12:59 AM · May 18, 2015 · Twitter for Android

1 Quote Tweet

RESPONSE: Over the years I have used social media, including Twitter, though I have not been much of a social media user in recent years. These Tweets are over six years old. The Tweets you reference reflected an effort on my part, as an academic, to engage with others on current events and present-day issues on which I was developing my thinking and looking to learn from others. I have focused my academic research on social ethics, learning how to create laws and policies that treat people rightly and promote justice for all. I do not recall the exact context of these Tweets from April, May, and June of 2015, but my remarks went to the need for reasonable and responsible regulation under our economic system in order to create prosperity and equality of opportunity for all people.



RESPONSE: Over the years I have used social media, including Twitter, though I have not been much of a social media user in recent years. These Tweets are over six years old. The Tweets you reference reflected an effort on my part, as an academic, to engage with others on current events and present-day issues on which I was developing my thinking and looking to learn from others. I have focused my academic research on social ethics, learning how to create laws and policies that treat people rightly and promote justice for all. While I do not recall the specific context of these Tweets from April, May, and June of 2015, the term “Free market” as used in those tweets referred to an economic paradigm where regulations and legal interventions by government do not exist in order to allow market interactions free of government restraint. My Tweets reflect my strong belief that the United States of America’s environmental, civil rights, and other laws are critical to the continued protection of people and communities.

9. Do you believe the current environmental policies in countries that have rejected the tenets of free market capitalism, such as China and Russia, are effective ways of protecting the environment?

RESPONSE: EPA's dutiful execution of environmental laws and regulations has made it a world leader in environmental protection.

10. In a 2020 presentation to the Sunrise Movement in DC, you referenced permit streamlining and stated that, “[The Trump Administration said] they are simplifying the rules, but they were really just making easier for industry...” and that the streamlining move was “an easier and faster way to get [industry] projects through.”⁴ According to a 2020 Council for Environmental Quality (CEQ) report, the average time to complete a NEPA review for the Federal Highway Administration was seven years.⁵ Do you believe long average wait times to complete environmental impact statements slow the delivery of infrastructure projects that are beneficial to environmental justice communities or projects – like clean energy facilities and electric transmission infrastructure – that the Biden Administration has prioritized as part of its Build Back Better domestic policy agenda?

RESPONSE: NEPA provides a strong foundation for rebuilding infrastructure better, smarter, and more equitably. Doing environmental reviews the right way, by listening to communities, avoiding foreseeable problems, designing thoughtfully, and relying on the science, is the way to build back better infrastructure. I understand that the White House Council on Environmental Quality is reviewing the NEPA regulations. If I am confirmed, I will follow all NEPA regulations and guidance, as relevant to fulfill my duties in the Office of Land and Emergency Management.

11. President Biden's fiscal year (FY) 2022 budget requests more than 1,000 new FTE staff at EPA.⁶ Why do the accompanying materials to the budget request appear to not include even one new FTE for the Office of Land and Emergency Management (OLEM)?⁷

RESPONSE: The President's FY 2022 budget request would invest more than \$1.5 billion in EPA's Superfund program. In the Superfund long-term cleanup programs specifically, the budget provides \$882 million, a \$293 million increase from FY 2021, to clean up some of the nation's most contaminated land and reduce emissions of toxic substances and greenhouse gases from existing and abandoned infrastructure. In addition, EPA requests more than \$203 million to prepare and respond to environmental emergencies and natural disasters. The FY 2022 budget also provides \$201 million for EPA's Brownfields program. This includes \$131 million for Brownfields Projects, an increase of \$40 million from FY 2021, of

⁴ <https://www.facebook.com/SunriseMvmtDC/videos/5427336567292553>

⁵ Council on Environmental Quality, Average NOI to ROD, Environmental Impact Statement Timelines (2010-2018) 10 (June 12, 2020), https://ceq.doe.gov/docs/nepa-practice/CEQ_EIS_Timeline_Report_2020-6-12.pdf.

⁶ <https://www.epa.gov/sites/default/files/2021-05/documents/fy-2022-epa-bib.pdf>, Pg. 25

⁷ <https://www.epa.gov/sites/default/files/2021-05/documents/fy-2022-congressional-justification-all-tabs.pdf>, Pg. 838

which \$15 million is designated for communities affected by the retirement of coal-fired power plants.

Of the total funding requested for Superfund, \$1.108 billion and 1,261 FTE would support Superfund cleanup programs, a \$299.4 million increase over last year. New FTE were not included as part of the budget request in order to focus on providing resources to clean up sites and to communities via grants. If the Agency receives the requested FY 2022 resources, and as part of EPA's operating plan development, EPA will assess whether additional FTE might be needed.

12. Does this indicate a lack of Administration emphasis on OLEM programs or a diminution of its mission?

RESPONSE: As noted above, the President's FY 2022 budget request would invest more than \$1.5 billion in EPA's Superfund program and \$201 million in EPA's Brownfields program. Of the total funding requested for Superfund, \$1.108 billion and 1,261 FTE would support Superfund cleanup programs, a \$299.4 million increase over last year. In the 40 years since Congress signed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) into law in 1980, we have made significant progress on cleaning up and restoring contaminated land on these Superfund sites, but the work is far from over. Communities located within one mile of Superfund sites are disproportionately communities of color and low-income. The Infrastructure Investment and Jobs Act, as passed by the Senate, includes a \$5 billion investment in the remediation and redevelopment of brownfield and Superfund sites, as well as related economic and workforce-development programs. Cleaning up contaminated sites and returning them to productive use can be an engine for economic development across the country while reducing communities' exposure to dangerous pollutants.

13. The President's FY 22 budget request includes an increase of 41.7 FTE for Superfund, but as I previously noted, the budget request does not appear to include any new FTE in OLEM. Specifically, where would these new Superfund FTE work?

RESPONSE: Of the total funding requested for Superfund, \$1.108 billion and 1,261 FTE would support Superfund cleanup programs, a \$299.4 million increase over last year. The FY 2022 President's Budget includes an increase of 35.2 FTE in the Superfund Appropriation to support Superfund cleanup programs. This support for Superfund programs includes 30.0 FTE for the Acquisition Management program to strengthen EPA's capacity to process new, increased, and existing award contract actions in a timely manner and to support the Agency's efforts to "Buy American"; 2.4 FTE for the Radiation Protection program to increase program capacity and field support to manage and mitigate radioactive releases and exposures along with data evaluation and assessment, document review, and field support through ongoing fixed and mobile analytical capabilities; 2.0 FTE for the Environmental Justice program to support the development of a cross-agency effort to advance and coordinate environmental justice activities; and 0.8 FTE in the

Human Resources Management program to support the Foundations for Evidence-Based Policymaking Act of 2018 to be used for the Agency's Learning Agenda's evidence gathering.

14. Does OLEM plan to make any changes to the competition process for Brownfields grants? If so, please detail these changes and the timeline you anticipate for these changes being made.

RESPONSE: EPA actively looks for opportunities to extend and expand upon the vital Brownfields grants program to return potentially contaminated or contaminated sites to productive reuse. For the Fiscal Year 2022 Brownfields Grant Competition, EPA made several changes to the Brownfields Assessment Grant Program, Revolving Loan Fund Grant Program, and the Brownfields Job Training Grant Program. EPA notes these policy changes on our website: <https://www.epa.gov/brownfields/brownfields-program-policy-changes>.

15. When speaking to the National Environmental Justice Advisory Council (NEJAC) in August, you stated that EPA will consider cumulative risks of combined exposures to multiple pollutants over time.⁸ Can you elaborate on that statement and cite what statutory authority EPA would be utilizing to implement this change?

RESPONSE: EPA has broad authority under CERCLA to address releases or threatened releases of hazardous substances to ensure protection of human health and the environment. EPA already considers risk factors such as cumulative risk to sensitive subpopulations when addressing releases or threatened releases of hazardous substances from a CERCLA site. EPA will use the best available science to protect all people from exposures in accordance with CERCLA.

16. At a July 14th meeting with the Environmental Council of the States (ECOS), Administrator Regan said the Agency hoped to develop a “systematic, holistic approach” to addressing cumulative impacts and that the Agency was evaluating its authority to address cumulative impacts of pollution, including having conversations with Congress about potential legislative changes that are needed to provide authority to evaluate cumulative impacts. What potential needed legislative changes have you identified to address these “cumulative impacts”?

RESPONSE: EPA already accounts for various risk calculations, including cumulative risk, in the Superfund process by considering unique exposures, vulnerabilities, and disproportionate impacts experienced by low-income, minority, and/or indigenous communities. If confirmed, I plan to evaluate our current authorities and potential legislative options we may pursue to further address cumulative impacts.

17. What does it mean to assess cumulative risks of combined exposures to multiple pollutants over time in conjunction with cleaning up a Superfund site?

⁸ <https://insideepa.com/daily-news/epa-officials-tout-range-ej-actions-response-nejac-concerns>

RESPONSE: EPA's Superfund response actions address releases or threatened releases of hazardous substances to protect human health and the environment. The Agency's scientific understanding continues to evolve. For example, Superfund risk assessments have moved beyond single chemical assessments and now evaluate the aggregate effects of multiple, concurrent chemical exposures in all media at our sites for current and future potential land use scenarios. This helps EPA consider ways to protect populations that are subject to multiple sources of contamination both from CERCLA releases as well as off-site contamination.

18. Does EPA have data demonstrating that completed Superfund cleanups are not adequately addressing risks to human health or the environment? If not, what scientific information is EPA relying on as the basis for expanding the scope of risk assessments?

RESPONSE: EPA relies on the best available scientific data when selecting a cleanup for a site. As part of the Superfund process, EPA reevaluates and modifies, as needed, our understanding of risks posed by exposure to CERCLA releases and associated cleanup approaches to ensure that protectiveness is achieved for exposed populations. The Five-Year Review process provides an opportunity for EPA to consider new information and ensure that the remedy is protective on a site-specific basis and will remain protective over time.

19. Do you think EPA should change the scope of exposure assessments conducted for Superfund risk assessments? If so, which exposure pathways do you think are currently omitted from Superfund risk assessments that should be included?

RESPONSE: Recognizing that many communities are burdened by multiple sources of pollution, and that some communities are more vulnerable to the effects of pollution than others, CERCLA provides broad authority to consider how cumulative risks may affect sensitive subpopulations. If confirmed, I will work to ensure that all Superfund cleanups continue to consider the best available scientific data when making site decisions that impact communities.

20. Do you think EPA should consider human exposures from offsite sources in Superfund risk assessments? If so, what radius should EPA use when considering offsite exposures?

RESPONSE: In determining risks under CERCLA, and in establishing protective cleanup levels, cumulative risk should be considered to the extent practicable given our understanding of the site-specific factors, such as sensitive subpopulations, and the best available scientific data.

21. In a September 1st meeting with the National Academy of Sciences on this topic, an official in EPA's Office of Research and Development stated, "*The question is, how do we go from this traditional chemical risk assessment paradigm to this broader paradigm that incorporates non-chemical factors that play a role in disparate exposures and health outcomes?*" In your view, which non-chemical factors are not currently incorporated into Superfund risk assessments but should be?

RESPONSE: As noted in the response to Question 19, EPA already has broad authority under CERCLA to consider various risk factors when setting cleanup levels to ensure protectiveness from risks resulting from a release. Under the National Contingency Plan, factors related to sensitive populations may be considered as well as cumulative impact. Depending on site-specific factors, subpopulations may experience a greater risk from specific contaminants either singly or as a result of multiple stressors. In such situations, cleanup levels may be set at more stringent levels.

Major data gaps still exist, however, with respect to toxicity and modes of action of large numbers of individual chemicals. Advances that would improve the scientific basis for risk assessments of mixtures include improving methods for identifying critical (e.g., rate-limiting) alterations in pathways, predicting the results of disruption of multiple pathways, and quantifying those interactions to predict chemical combinations that could harm human health. Additional specific issues and tools would improve the understanding of the relative contribution of multichemical exposures.

22. During the previous Administration, EPA created an Administrator's Emphasis List for Superfund, which ensured issues preventing progress of cleanups were quickly elevated to the Administrator-level and resolved. Will EPA continue utilizing the Administrator's Emphasis List?

RESPONSE: If confirmed, I commit to working with the team in EPA's Office of Land and Emergency Management, EPA Regions, and stakeholders to ensure a continued focus on the timely cleanup of contaminated sites. We will evaluate all of our available tools, including the Administrator's Emphasis List, to ensure that site cleanups occur as quickly as possible, and issues are elevated, as needed.

23. One way the previous Administration prioritized the Superfund Program was through the establishment of the Superfund Task Force. To keep EPA accountable, the Task Force's final report identified a number of performance measures to help the Agency and the public track and report on progress on the overall implementation of the Superfund Program. Which Superfund performance measure(s) do you think are the best indicators of a successful Superfund Program and why?

RESPONSE: Starting in FY 2022, the Superfund Remedial program's long-term performance goal will be to bring human exposures under control at an additional 60 Superfund sites.

24. Does OLEM plan to make any changes to the Agency's Superfund Program? If so, please detail these changes and the timeline you anticipate for these changes being made.

RESPONSE: The Agency continually evaluates the effectiveness of the Superfund program and makes changes as necessary. Presently, the Superfund program is

collaborating with other parts of the EPA to mitigate and reduce per- and polyfluoroalkyl substances (PFAS) pollution, to reduce environmental lead exposure, and to increase community engagement.

25. With the challenges posed by emerging contaminants, do you intend to make any changes to the Agency's approach to monitoring or potentially reopening legacy sites? If so, please detail these changes and the timeline you anticipate for these changes being made.

RESPONSE: The existing CERCLA Five-Year Review process provides EPA the opportunity to systematically evaluate existing remedial actions, including at legacy sites, if hazardous substances, pollutants, or contaminants remain at the site above levels that allow for unlimited use and unrestricted exposure. This review process considers changes in site conditions, including the presence of emerging contaminants, and gives EPA the authority to assess remedy protectiveness and consider further investigation or actions under CERCLA.

26. Adaptive Management can be a particularly useful tool at large or complex Superfund sites to facilitate expedited cleanups, as it requires developing a site strategy that acknowledges uncertainties but establishes measurable decision points to evaluate learned information and adapt if needed. EPA indicated it would finalize Adaptive Management Guidance by December 2019, but the Agency has yet to publish any finalized document. When will the document be finalized?

RESPONSE: EPA is in the process of developing additional guidance on this topic. If confirmed, I will work with EPA staff to facilitate the development of the guidance by the end of FY 2022.

27. Under the Superfund Task Force, EPA is implementing adaptive management at six pilot sites. Please provide an update on the use of adaptive management at these sites.

Response: EPA developed an adaptive management plan for five of the six sites identified under the adaptive management pilot program. These plans will be implemented and updated as site cleanup progresses. If confirmed, I will provide your office with the insights gleaned from the pilot programs and ensure that EPA uses this information to inform the adaptive management guidance.

28. You have participated in two public listening sessions on the Trump Administration's Risk Management Program Reconsideration Rule. During those sessions, you discussed the importance of protecting environmental justice communities. In what ways could the Risk Management Program better protect environmental justice communities?

RESPONSE: Protecting communities with environmental justice concerns is a top priority for the Agency. During the Agency's public listening sessions on June 16 and July 8, 2021, environmental justice was a main topic of concern, with commenters citing research that communities are disproportionately burdened by cumulative risks owing to proximity to multiple RMP facilities and other environmental stressors. A few comments suggested that EPA take steps to reduce

risks and improve communication. As the rulemaking process for the RMP Reconsideration rule proceeds, the Agency expects to consider options on how best to assist communities that are disproportionately burdened by cumulative risks from multiple RMP facilities and other environmental stressors.

29. The Trump Administration's Risk Management Program rule maintained protections for sensitive information, while ensuring first responders have access to all necessary safety information. This change addressed security risks raised by the Department of Homeland Security and Department of Justice on potential access to sensitive chemical facility hazard information. Do you plan to change those protections for sensitive information? If so, why?

RESPONSE: EPA held virtual public listening sessions on June 16 and July 8, 2021. The Agency is now considering the public's feedback and determining next steps. In addition, and as part of the rulemaking process, EPA expects to evaluate options for how to make RMP information available in an efficient and expedient manner to local emergency planners, first responders, and neighboring communities, while still abiding by the requirements of the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISFRRRA). If confirmed, I will work with EPA staff to facilitate collaboration with Department of Homeland Security and the Department of Justice on any changes to how RMP information is made available to ensure that security concerns are adequately balanced with the need to share information and foster strong community emergency plans.

30. Under White House Chief of Staff Klain's Regulatory Freeze Memo, EPA's January 14, 2021 Advanced Notice of Proposed Rulemaking requesting comments on addressing PFOA and PFOS in the environment was never published.⁹ Does EPA have all the information needed to adequately consider listing particular PFAS-related wastes or chemicals as hazardous waste under RCRA?

RESPONSE: EPA is looking at various types of scientific information related to addressing PFAS under CERCLA and RCRA authorities. This information includes the most recent chemical and physical characteristics, toxicity and kinetics, environmental prevalence, and manufacturing and use data.

31. Does EPA plan on regulating any PFAS as a RCRA hazardous waste?

RESPONSE: EPA is evaluating petitions received that ask the Agency to regulate PFAS under RCRA. EPA is looking at both the information provided in the petitions and other data to determine an appropriate response and course of action.

32. Does EPA plan on regulating any PFAS as a CERCLA hazardous substance? If so, which PFAS compounds?

⁹ https://www.epa.gov/sites/default/files/2021-01/documents/frl-10019-13-olem_addressing_pfoa_pfos_anprm_20210113_admin-508.pdf

RESPONSE: EPA is looking at various types of scientific information related to addressing PFAS under CERCLA. This information includes the most recent chemical and physical characteristics, toxicity and kinetics, environmental prevalence, and manufacturing and use data.

33. During your nomination hearing, you stated that EPA was continuing to work on a rule for designating certain PFAS chemicals as hazardous substances, which has been the response from EPA officials for nearly two years. Has this Administration considered or received any new information as part of this continuation of the work on the potential rule that was not available to the previous Administration?

RESPONSE: I cannot speak to information the previous Administration may or may not have considered. Currently, EPA is looking at various types of scientific information related to addressing PFAS under CERCLA. This information includes the most recent chemical and physical characteristics, toxicity and kinetics, environmental prevalence, and manufacturing and use data.

34. Has EPA evaluated the potential impacts of a CERCLA hazardous substance designation for PFOA and PFOS on municipalities, farmers, and small businesses? If so, what were the findings of that evaluation?

RESPONSE: EPA would analyze potential impacts, including these and others, as part of the development of a proposed rulemaking.

35. Do you agree that it is important to recycle or reuse material in lieu of disposal when possible?

RESPONSE: EPA data show that recycling conserves energy and natural resources. Moreover, increasing recycling serves as a mechanism for reducing environmental and social impacts of materials use, keeps valuable resources in productive use rather than in landfills, and creates jobs. It is important to ensure that recyclables are managed in an environmentally sound manner when sent for further processing so that communities with environmental justice concerns are not adversely affected by recycling practices.

36. EPA recently completed review of three coal combustion residuals rules in response to President Biden's Executive Order 13990. EPA decided to leave the Trump Administration rules unchanged. The Southern Environmental Law Center said "it's a mistake to leave those rules in place." Do you agree with the Southern Environmental Law Center that "it's a mistake to leave" the Trump Administration's coal ash rules in place or do you think the Trump Administration's coal ash rules are sufficiently protective of human health and the environment?

RESPONSE: EPA completed review of the three coal combustion residuals rules in response to Executive Order 13990. EPA determined that the most environmentally protective course is to implement the rules. EPA will be addressing the remaining

issues remanded back to the Agency regarding the July 2018 rule through the rulemaking process.

37. Coal ash has several beneficial uses, including being used for the manufacture of concrete and wallboard. According to the Agency, “EPA supports the responsible use of coal ash in this manner.”¹⁰ In December 2020, EPA released a notice seeking information and data related to the beneficial use of coal ash. That comment period ended February 22, 2021. What is EPA’s timeline for reviewing all comments and finalizing a rule?

RESPONSE: EPA solicited and received comments on a Notice of Data Availability regarding the beneficial use of coal ash. Following a 60-day comment period extension, EPA continues to evaluate the information submitted to the Agency and will use that information to determine an appropriate path forward.

38. In your EPW Nominations Questionnaire document and other documents that were provided to the Committee, you stated that upon confirmation you planned on continuing your current leave of absence from Howard University. In response to recent questions about political officials and leave of absences, EPA officials have stated multiple times:

“Consistent with White House policy over several administrations, political appointees (with the exception of Senate-confirmed appointees) are permitted to take a leave of absence from an academic institution during their government tenure, provided that the required recusals are in place to avoid a potential or actual conflict of interest.”¹¹

Given this White House policy, do you still plan on taking a leave of absence if confirmed?

RESPONSE: I take seriously my ethical obligations and, if confirmed, I expect to work with EPA’s Designated Agency Ethics Official EPA’s Ethics Office for consultation and advice about meeting my ethical obligations.

In April 2021, I began an unpaid leave of absence from my position as Professor of Law at the Howard University School of Law. If confirmed, I will remain on an unpaid leave of absence from my position as a Professor at Howard University School of Law. I will not participate personally and substantially in any particular matter that to my knowledge has a direct and predictable effect on the financial interests of the Howard University School of Law, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for either the exemption for employees on leave from

¹⁰ <https://www.epa.gov/coalash/frequent-questions-about-beneficial-use-coal-ash#:~:text=All%20Close%20All-,Beneficial%20Use%20under%20the%20Final%20CCR%20Disposal%20Rule,coal%20ash%20in%20this%20manner.>

¹¹ Kevin Bogardus, *Republicans question EPA appointee's 'strong ties to China'*, POLITICO (Sept. 7, 2021), <https://subscriber.politicopro.com/article/eenews/2021/09/07/republicans-question-epa-appointees-strong-ties-to-china-280303>; Fred Lucas, *EPA official's ties to China-linked university spark questions*, FOX NEWS (Sept. 21, 2021), <https://www.foxnews.com/politics/epa-official-ties-china-linked-university> (emphasis added).

institutions of higher learning allowing participation in certain particular matters of general applicability at 5 C.F.R. § 2640.203(b), or another regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).

My decision to continue to take a leave of absence, upon confirmation, is based on the advice I have received from EPA's Office of General Counsel/Ethics Office, and my understanding that taking an unpaid leave of absence from a domestic academic institution is consistent with existing university policies and long-standing White House practice spanning several administrations.

Senator Inhofe:

1. Dr. Waterhouse, as you may know, Tar Creek is a Superfund site located in Ottawa County, Oklahoma. The site was originally used for producing lead and zinc bullets during both World Wars and what is left is mining waste known as "chat." In 2003, as chairman of the EPW Committee, I brought federal, state, and Tribal partners together for the first time which resulted in the Oklahoma Plan for Tar Creek. In light of that effort, the EPA has committed millions of dollars in grants to DEQ and the Quapaw's to continue cleanup efforts. DEQ has experienced delays in EPA's dispersing of awards which has caused DEQ to stop or delay work at critical points due to EPA's delays. Dr. Waterhouse, how would you expedite EPA's grant approval process for state partners, including DEQ?
 - a. What actions have you taken to prioritize the Superfund program since you joined the Agency?

RESPONSE: Environmental and human health protection is a shared responsibility of Tribes, states, and the federal government. More than 50 years after the creation of EPA, states and local governments serve as primary implementers of many of the nation's environmental laws. Due to these unique relationships, the early, meaningful, and substantial involvement of EPA's co-regulator partners is critical to the development, implementation, and enforcement of the nation's environmental programs. If confirmed, I will continue my focus on getting cleanups done more quickly and efficiently to ensure that communities aren't suffering environmental injustices from being overburdened with pollution, including by working to issue grants quickly and efficiently while maintaining integrity. I will support EPA Region 6's long and productive partnership with Oklahoma Department of Environmental Quality (ODEQ) to address Superfund cleanups in the State. EPA Region 6 works with ODEQ to annually review grant requests, the grant process, and the timing of awards. The State has autonomy in managing its projects and their budgets. The Tar Creek Site serves as a model for state and tribal led actions. EPA stands ready to assist ODEQ to address any funding issues and foster a more effective process for facilitating disbursing of awards.

Senator CARPER. Mr. Waterhouse, thank you very much. There has been remarkable service from your family. I am very impressed.

Senator Capito is going to go first in asking questions. Before she does that, I need to ask the same three questions of each of you. Then I will yield to Senator Capito.

We call them standing questions, yes or no questions that we ask of all nominees who appear before this Committee. You may remain seated for this.

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

Do you, Ms. Howe?

Ms. HOWE. Yes, I do.

Senator CARPER. Mr. Uhlmann?

Mr. UHLMANN. Yes, I do, sir.

Senator CARPER. Mr. Waterhouse?

Mr. WATERHOUSE. Yes, I do.

Senator CARPER. The second question is, do you agree to ensure that testimonies, briefings, documents and electronic and other forms of communication of information are provided to this Committee and its staff and other appropriate committees in a timely manner?

Do you, Ms. Howe?

Ms. HOWE. Yes, I do.

Senator CARPER. Mr. Uhlmann?

Mr. UHLMANN. Yes, I do.

Senator CARPER. Mr. Waterhouse?

Mr. WATERHOUSE. Yes, I do.

Senator CARPER. The third and last question is this. Do you know of any matters which you may or may not have disclosed that might place you in a conflict of interest if you are confirmed?

Do you, Ms. Howe?

Ms. HOWE. No, I do not.

Senator CARPER. Mr. Uhlmann?

Mr. UHLMANN. No, I do not.

Senator CARPER. Mr. Waterhouse?

Mr. WATERHOUSE. No, I do not.

Senator CARPER. Very well. Thank you.

With that, I will yield to our Ranking Member, Senator Capito.

Senator Capito, please proceed.

Senator CAPITO. Thank you, Mr. Chairman.

Thank all of you. I hope I am coming through clearer now. I appreciate your willingness to serve. And it is certainly so interesting to hear everybody's personal story.

Senator CARPER. Senator Capito, you sound great.

Senator CAPITO. Oh, good. I sound great. Good.

[Laughter.]

Senator CARPER. And you look great.

Senator CAPITO. I didn't sound so great.

Senator CARPER. Where are you, are you in West Virginia?

Senator CAPITO. I am.

Senator CARPER. Where are you there?

Senator CAPITO. I am in Martinsburg, in the panhandle, over there close to Maryland, Ben.

I am going to start with you, Mr. Waterhouse. Thank you for visiting me in my office. I really appreciate that.

As you know, and I think we talked about, I am from an energy producing State. You have a wide variety of experience in a lot of different areas. As you would imagine, my staff and others have looked through your Twitter feed, and we have a couple of questions, I have a couple questions.

One is a tweet that you tweeted in 2015 when you said, "The ugly truth about energy is the ends don't justify the means." Then you hashtagged a bunch of things, one of which was "resist capitalism." I think this came to my attention and also sort of raised my ears a little bit because you are going to be dealing, in your position, with a lot of private entities. You mentioned that in your 5 minute opening statement.

What does "resist capitalism" mean to you, and how would that interplay with what you are doing? What does it mean when you say, energy, the ends don't justify the means?

Mr. WATERHOUSE. Thank you so much for the question, Senator. To be honest, I don't recall that tweet. I am not very active on Twitter. I am not familiar with the tweet you are referring to.

Senator CAPITO. What about the resist capitalism? Apparently, you were using that hashtag quite a bit. Is that in the context of something that I might not be aware of, or is that just in general? How does that interplay with what you would be facing at EPA with the private sector?

Mr. WATERHOUSE. I think it would have been in some context, Senator, that has to date for several years. As I said, I am not really active on Twitter. I am not sure what it was referencing.

But I can say this, Senator, that I recognize the value of capitalism as a way of making sure that goods and services are made available to people. I think reasonable and responsible regulation allows us to make sure that people can be safe and protected in the environment and in their daily lives.

Senator CAPITO. Thank you.

Mr. Uhlmann, you and I talked. I appreciate the conversation. In your statement, you talked a lot about finding common ground with exposure for clean air and clean water. I think that is absolutely the mission not only of EPA but of all of us who are on this Committee and in the Senate in general.

Let me ask you, you had written a paper about an environmental agenda for the Obama administration that advocated for a clean energy standard; this is very topical right now, and a carbon tax. It also excluded any kind of carbon capture or anything nuclear or other kinds of energy that would count toward a clean energy standard.

How do you think those opinions would play into this position as chief of the enforcement and compliance area?

Mr. UHLMANN. Thank you for the question, Senator.

As I think all of us are painfully aware, and as Senator Warner mentioned in his introduction, the challenge of climate change is a clear and present danger. The wildfires in California and in the

upper Midwest, the harms of Hurricane Ida visited upon the Gulf Coast and the East Coast all have, I think, focused our attention on that. We need to do everything we can to address climate change.

If I am confirmed for this role, I obviously won't have a role in deciding what the policy should be. That is for Congress to decide. What I hope to do is everything we can in my office to help companies comply with the laws that Congress passes and any regulations that EPA passes to address climate change and to bring appropriate enforcement actions against anybody who violates those laws.

Senator CAPITO. I guess what I am trying to get to, and I think you and I might have talked about this a little bit on the phone, you sort of dispelled this in terms of the fairness and your track record, in general, certainly over at the DOJ, in terms of certain biases as you are moving toward trying to enforce certain regulatory, but we can make those judgments later.

Ms. Howe, I wanted to ask you one question. I mentioned in my opening statement that you had high level roles in electoral politics. I think you fleshed this out a little bit in your opening statement, but if we could get a little bit more on making that shift from a political position into a Federal agency in a managerial sense of environmental policies. What attracts you to that?

Ms. HOWE. Thank you, Senator, for the question. I think both in political campaigns and in different levels of government, I have managed large and complex challenges. So there is some similarity there. I have always considered myself a public servant. I can think of no better place to spend my time and use my skills than the Environmental Protection Agency. Protecting the American people and the environment for future generations is of utmost importance to me.

Senator CAPITO. Certainly one of the areas that is going to be a big challenge for whoever has your position is this desire by the Administration and the EPA Administrator to hire, if not hundreds at least 1,000 new people. That is going to present a huge challenge from a managerial perspective as well.

I appreciate all three of you coming.

And Mr. Chairman, thank you for letting me question early. I don't know that I can stay on the whole time but I appreciate it.

Thank you.

Senator CARPER. Stay with us for as long as you can. Give my best to my native State, please.

I think Senator Padilla may or may not be on. He is going to try to join us.

Senator Padilla, are you on the line?

[No response.]

Senator CARPER. If not, Senator Cardin, my DelMarVa buddy.

Senator CARDIN. Mr. Chairman, I think this format seems to work best. You are in an unusually good mood today.

Let me preempt your question. I am in Baltimore getting ready for the next 36 hours to be with my family in a very solemn day of Yom Kippur. We appreciate the Majority Leader giving us this opportunity to get back to our home States.

I first want to just thank all three of our nominees. You have incredible backgrounds. Thank you for your willingness to serve our country.

Professor Uhlmann, I would like to start with you, if I might. My fellow Committee members are not going to be surprised that I am going to talk a bit about the Chesapeake Bay.

Enforcement and compliance is critically important to the Chesapeake Bay partnership that we have with the different stakeholders, the local governments, the State governments, and the private sector stakeholders. We depend upon the Federal Government to be our referee and to enforce the rules that we all say we are going to live by. The Chesapeake Bay Program is based on the commitments from the ground up, local government, then enforced at the national level.

I would like to at least get your commitment to work with all the stakeholders in regards to compliance and enforcement, recognizing how critically important it is. But the uniqueness of the Chesapeake Bay Program in that it is a program that is strongly supported by all the stakeholders and requires the type of open communication with the Federal enforcement authorities to make sure the spirit of the Chesapeake Bay Program is very much forwarded by the Federal partner.

Are you familiar with the Chesapeake Bay Program? Can I get your assurances that you will be working with local stakeholders to make sure the Federal partnership is strong?

Mr. UHLMANN. Thank you for the question, Senator. I hope you have an easy fast.

Senator CARDIN. Thank you.

Mr. UHLMANN. I am familiar with the Chesapeake Bay Program and your terrific leadership addressing the challenges facing the Bay.

The Chesapeake Bay is a national treasure. And in so many ways, I think the partnership between EPA and the States to protect the Chesapeake Bay is a model for how we protect watersheds across the country, including in my home State where the Great Lakes face similar threats.

If confirmed, I commit to you that I will work with you and your office, and all the stakeholders to do everything we can to make sure that the commitments made by the Chesapeake Bay Agreement are honored.

Senator CARDIN. Thank you. We work very closely with Senator Stabenow on the Great Lakes in her position as Chair of the Agriculture Committee. So we share a great deal in our pride in the great water bodies of the United States. I appreciate that comment.

Professor Waterhouse, I am very impressed by your background. I am going to sort of deal with this from an area I think you will feel very comfortable about.

Brownfields, the Superfund sites in America, 60 percent of which are unusually impacted by climate change. President Biden, and I think this Congress, has committed to environmental justice issues. We did that very much so in the bipartisan infrastructure package, and we continue to stress the importance of environmental justice.

I would like to get your game plan on how you are going to deal with your portfolio, recognizing that underserved communities, mi-

nority communities have been adversely impacted by these policies which has added to the health disparity and income disparity of America.

Mr. WATERHOUSE. Thank you so much for the question, Senator.

The issue of climate change has had a significant impact on our world, as you know. With regards to the Superfund Program, it is so vital that we make sure that all of the remedial actions we are taking are sustainable and resilient so that when we do have more intensified storms, when we have additional flooding events, and when we are dealing with wildfires that those remedies don't fail.

This is something we have taken very seriously in our office, and in fact, I have worked along with other staff to see that our Superfund Division Director was able to send and did issue just recently a memo to all of the EPA regions that they would double down on reviewing and evaluating all of the remedial actions that are in place to ensure that they have an adaptability, a sensitivity, a vulnerability analysis, and a resilience.

In other words, doing an analysis to make sure they are able to hold and withstand any kinds of changes and threats that we are going to be facing as a result of climate change.

Additionally, with regard to environmental justice, our office is moving forward to evaluate different programs we have to make sure that we are doing the most that we possibly can to see environmental justice is done.

Senator CARDIN. Under the leadership of this Committee, we are going to give you additional resources and tools in order to deal with this challenge. We believe we can make substantial progress in protecting vulnerable communities.

Thank you very much for your willingness to take on this incredibly challenging position.

Thank you, Mr. Chairman.

Senator CARPER. Senator Cardin, thanks for joining us very, very much.

Has Senator Padilla joined us yet? No? All right.

I understand Senator Lummis was in the queue.

Cynthia, are you there?

Senator LUMMIS. I am here. Can you hear me?

Senator CARPER. Yes, we can. Good morning.

Senator LUMMIS. Thank you, Mr. Chairman. I appreciate this.

Senator CARPER. Where are you today?

Senator LUMMIS. I am still in Washington but I am just getting ready to get on an airplane to Wyoming. I want to thank you very much for letting me participate remotely.

Senator CARPER. My wife and I, along with many of our colleagues, had the sad privilege of joining Senator Lummis and a number of our colleagues to fly about a month and a half ago back to Wyoming for the memorial service for our dear colleague, Mike Enzi. I had an opportunity to spend some wonderful hours on the plane with Senator Lummis and got to know her a lot better as a new member.

Cynthia, we are glad you are a member of this Committee. We are glad you could join us today. Please go right ahead.

Senator LUMMIS. I am delighted to serve with you, Mr. Chairman. You are a terrific Chairman of this Committee. It is an honor to be with you.

Senator CARPER. You can take as much time as you want.

[Laughter.]

Senator LUMMIS. My first question is for Mr. Uhlmann, and I want to first say, Mr. Uhlmann, that a very good friend of mine, Tom Sansonetti, reached out to my office and spoke very highly of you. I understand the two of you worked together at Justice, and that he has participated in your environmental studies program on a number of occasions at the University of Michigan. So his endorsement speaks very highly of your character.

The questions that I have for you involve very specific to Wyoming tough stuff. I recently raised the issue of the Federal Regional Haze Program for Mr. Prieto in his hearing, and I am going to do the same with you.

For months, the Wyoming Governor's Office, Department of Environmental Quality, the Attorney General's Office, and the EPA worked hand in hand together on a plan for the Jim Bridger Power Plant Site Implementation Plan that reduced emissions, improved visibility, and saved money and jobs. Everything that EPA Region 8 requested during this process was agreed to.

Now, at the eleventh hour, the EPA has reneged on all the hard work that was done. They have failed to send the amendment to the Federal Register to complete the process and continue to delay issuing the decision that it has already made on the amendment in an effort to strong arm Wyoming and PacifiCorp to agree to an unreasonable closure commitment.

Similarly, concerning the WyoDEQ regional haze litigation withdrawing from the agreement despite months of negotiations that included EPA's approval and blessing, this is no way to treat partners in our Federalist system.

So, my question is this: Mr. Uhlmann, will you commit to reviewing these decisions if confirmed in your role, and honor the hard work that EPA and Wyoming partners accomplished on this?

Mr. UHLMANN. Well, thank you so much for the question, Senator Lummis, and if I might, I thank you also for sharing with everybody the kind words from my friend, Tom Sansonetti, who I had the privilege of serving under during the Bush administration, and who I have hosted in Michigan, including at a Michigan football game in the pouring rain, where we lost badly to Northwestern.

He has not asked yet to attend an Ohio State game, Senator Carper, but I fear we might lose badly if that were the case, too.

Of course, I am not yet at the agency, Senator, so I am not familiar with the Regional Haze Initiative and the challenges that you are describing. I certainly believe, as I know you do, in the value of a strong Federal-State partnership. So if I might, I would commit to you, if I am confirmed, I would like to be able to have the opportunity to be briefed on this issue and then visit with you more about it.

Senator LUMMIS. Well, I will look forward to that conversation, and I appreciate your willingness to entertain it, because it has been a tremendous amount of hard work on behalf of our State,

and to have it just diminished at the eleventh hour was extremely discouraging, to say the least.

This question is for Mr. Uhlmann and Mr. Carlton. The White House Environmental Justice Advisory Council recently released a series of recommendations stating that Federal support for technologies like carbon capture utilization and storage should not be considered beneficial for environmental justice communities. Do you agree with this finding, and do you believe that CCUS has a role in emission reduction efforts?

Senator CARPER. Mr. Uhlmann, would you go first, and then followed by Mr. Waterhouse, please?

Mr. UHLMANN. Thank you, Senator, and thank you, Senator, for this question as well. I would say, if I might, about environmental justice, that we have made great progress in the United States addressing so many of our environmental challenges over the last 40 to 50 years. But that progress has left too many of our communities behind, both in urban areas, and Senator, in rural communities in States like yours. It has been a particular challenge for people of color and for socioeconomically disadvantaged communities.

So I am, again, not at the agency yet. I haven't been briefed on the issues that you are raising. But I would just say that if confirmed, I want very much to do my part to help work with the States to make environmental justice a reality and ensure clean air and safe water for all Americans.

Senator CARPER. Mr. Waterhouse.

Mr. WATERHOUSE. Thank you so much for the question, Senator. I can't say that I am familiar with that recommendation. Over the past several months, I have been very busy running, or at least, working with the leadership to run the Office of Land and Emergency Management. In that role, we are really focused on cleaning up polluted sites and helping communities like the Wind River Reservation there in Wyoming deal with their solid waste management plans. Recently we have directed an additional, I think, \$150,000 of gap funding to assist them in building capacity for solid waste management.

So I have not had an opportunity to be exposed to or made aware of the carbon capture question, Senator, but it is one that I would certainly welcome an opportunity to learn more about and talk with you about further if I was to have the benefit of being confirmed.

Senator LUMMIS. Thank you, Mr. Waterhouse. I believed I referred to you as Mr. Carlton. That, of course, is your first name, but I am grateful for your responses, your willingness to consider these positions.

I was pleased by your remarks about your work with RCRA. I live right next to a refinery, and so the advantages provided to citizens by the existence of RCRA and its enforcement are something that I have deeply appreciated over the years. So your work with RCRA is very encouraging to me.

I want to, again, thank you for giving me the chance to extend my time, Mr. Chairman, and I yield back.

Senator CARPER. All right. Thanks so much for joining us. I look forward to seeing you next week.

Senator Padilla was holding on for a while. He has had to go pre-
side on the Senate, and hopefully he will be able to join us before
we conclude here.

But we have been joined by Mark Kelly from Arizona.

Mark, great to see you. Thanks for joining us today.

Senator KELLY. Thank you, Mr. Chairman.

Dr. Waterhouse, good morning, and thank you, all of you, for
being here today.

But Dr. Waterhouse, almost exactly 1 year ago, the EPA an-
nounced the creation of the Office of Mountains, Deserts, and
Plains, a new regional office focused on effectively cleaning up
abandoned mine lands across the West and accelerating the clean-
up of Superfund sites in the West. As you may know, I believe,
EPA must be doing more to clean up the more than 500 abandoned
uranium mines on the Navajo Nation.

Like tribal leaders, I am concerned that these sites fail to com-
pete well. They don't compete well for annual Superfund appropria-
tions funding, and that red tape in delays has caused significant
delays in cleaning up these contaminated sites. It is a big problem,
over 500 abandoned uranium mines.

So, Dr. Waterhouse, what can you share about the work that the
new Office of Mountains, Deserts, and Plains has done over the
past year? And if confirmed, what role do you hope the office will
continue to play in prioritizing Western Superfund cleanup sites in
the coming years?

Mr. WATERHOUSE. Good morning, and thank you so much for
your question, Senator. The problem of abandoned uranium mines,
as you said, is a very big one, and it is a very important one. Com-
munities there should have the right to be in a clean environment
and not faced with that pollution. In fact, I had a visit to the Nav-
ajo Nation scheduled for last week. Unfortunately, it had to be
postponed due to increasing COVID cases on the reservation.

But we are really excited about the office, Senator, because that
office is able to bring resources to bear to provide assistance to
those communities. It brings technological and innovation resources
to figure out, how do we manage the massive volume of waste that
we have there. So they are looking for innovative solutions for
cleanup.

It also is helping us coordinate with our tribal partners, with our
Federal family members, with local resources, and across the re-
gions. It is so big; we are talking about multiple States and driving
for hours and hours to be able to see it all. So we have Region 6
and Region 9, and this office helps to coordinate along with the
Tribe and others to help us find solutions.

They also are developing a prioritization package to deal with the
Tronox settlement so that we have a way of using those moneys
that is going to maximize their effectiveness in getting cleanup
done.

Senator KELLY. Do you feel they are off to a reasonable start over
the past year?

Mr. WATERHOUSE. I do, Senator. I think they have done a great
job in a short period of time with limited resources. Since I came
into the agency, it was a brand new office at that time, but they

really have an amazing staff who have done a really great job in helping us move those projects forward.

Senator KELLY. Do you think they need any new authorities or any additional funding to make sure that they have the tools necessary to do this rather complex task of cleaning up these Superfund sites in the West?

Mr. WATERHOUSE. Senator, I certainly wouldn't turn down any additional moneys to award additional staffing and resources for the office that would help them with building capacity to be even more effective than they have been so far.

Senator KELLY. OK. Well, thank you.

A sort of similar topic I wanted to discuss with you is PFAS cleanup. It is a big issue in Arizona, in and around Tucson and Phoenix and other—really, across the State. So I wanted to ask you for an update on the Administration's work to remediate PFAS contamination.

As you know, after a number of delays in January, EPA began the process of regulating PFOA and PFOS under the Superfund program. This is incredibly important to us, because several of our aquifers, which are sources of drinking water, have growing plumes of PFAS contamination.

Yet because EPA has not established cleanup standards yet for these PFAS chemicals, it has fallen on the State and local governments to fund efforts to clean up the PFAS contamination. That is why I fought to ensure that the Infrastructure Investment in Jobs Act included \$10 billion to fund PFAS cleanup efforts. But while significant, this funding will not go far enough in the long term to clean up this problem.

So, what updates can you share with us today about the Administration's commitment to remediate PFAS contaminants through the Superfund process?

Mr. WATERHOUSE. Thank you so much for that question, Senator. PFAS is such an important issue. These chemicals have such a long lifespan and such dangerous toxicological impacts.

We within the Office of Land and Emergency Management have moved forward with the internal agency process to work toward a rulemaking that would designate certain PFAS chemicals as hazardous substances. That process is one that requires rigorous review by the internal offices to ensure that we are following the science and following the law.

I can tell you, Senator, that we are moving that through that process as quickly as we can, so we can have a proposed rule to give us additional authorities to address PFAS in cleanups.

Senator KELLY. Well, thank you. I always like when I hear somebody is going to follow the science. That is very important to me.

Mr. Chairman, do I have a couple more minutes?

Senator CARPER. You do.

Senator KELLY. Thank you.

This question is for Mr. Uhlmann. I wanted to ask you about the applicability of EPA's Clean Air Act regulations for those Arizonans who convert their street vehicles into dedicated race vehicles. This is something that my wife, former Congresswoman Gabby Giffords, not with cars, but with motorcycles, would do on occasion. She used

to race motorcycles around a track, so this is an issue that resonates with her.

It is a time honored pastime for many Americans, amateur racing. We have a street in Tucson a mile north of where Gabby and I live called Speedway, and it is called Speedway for a reason, because that is where a lot of amateur racing used to happen. Now it is on tracks.

These racetracks and auto repair manufacturers across the country rely on this. Yet, as I am sure you know, since 2015, EPA has maintained that modifying a vehicle's emissions system is a violation of the Clean Air Act even if the vehicle is solely used for the purpose of amateur racing.

I support efforts to clarify the status of amateur racing under the Clean Air Act without compromising the underlying statute. I am pleased to join today with my colleagues, Senators Burr, Tester, and Ernst, to introduce the Recognizing the Protection of Motorsports Act.

Mr. Uhlmann, I am pleased that EPA has announced that the Office of Enforcement and Compliance Assurance will focus on stopping after market defeat devices, which cause street vehicles to violate emissions standards. How would you categorize the emissions risk posed by these defeat devices, and how do those emissions compare to the emissions created by amateur racing vehicles?

Mr. UHLMANN. Well, thank you so much for the question, Senator, and for your leadership and your wife's leadership in the great State of Arizona. I had the privilege of serving as the counselor to the compliance monitor who was appointed by the Justice Department in EPA after the Volkswagen diesel scandal. That is just probably the—well, one of the most troubling examples of environmental crime in the 30 years that I have been working on these issues. I mean, a company, one of the largest companies in the world, that changed the software on its vehicles so that when they were out in the street, they were polluting. When they were being tested, they seemed to be in compliance. It is a case study of what a defeat device is.

It was an appropriate case, I think, quite clearly for the Justice Department to prosecute. As I said, I was honored to serve on the compliance team after the fact trying to help Volkswagen develop ethics integrity and sustainability programs so that they could be environmental leaders rather than environmental criminals.

I have to confess, I don't know the issue that you are raising. So I would say that if I am confirmed for this role, I would be happy to meet with you once I have an opportunity to be briefed by the career staff. The problem of defeat devices is, of course, Volkswagen tells us, is very significant with significant human health impacts. I am not quite ready, even though I am a huge sports fan, to speak to the issue that you have raised today.

Senator KELLY. Yes, when we consider just the numbers, you are talking a small number of vehicles. This is what folks across the country do as their hobby, their activity, and it doesn't add up to much.

So I appreciate your willingness to work with me and my office so we can clarify the applicability of the Clean Air Act to amateur racers.

Thank you, and thank you for the additional time, Mr. Chairman.

Senator CARPER. I have had the privilege of knowing Mark's wife, I think, probably longer than he has known her. I don't think we ever served in a Congress together, but I am a huge admirer. I am not surprised to hear that she has got a motorcycle. Tell her I said, you go, girl.

Let me telegraph a picture if I could. I am going to ask each of you some questions, and then, at the end of the questioning, if we are not joined by any other colleagues; Senator Padilla may join us, he is presiding right now. He is going to try to join us.

But right at the end, I will give each of you about another minute to answer a question that you wish you had been asked, but was not. So keep that in mind.

I am going to start off by, if I could, Ms. Howe, a question of you relating to the company you have been keeping with former Governors like Mark Warner and Tim Kaine. The question would be, what are some things that you learned from each of them about leadership that might be helpful for you, if confirmed for this position?

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

Senator CARPER. You are welcome.

Ms. HOWE. They are both so different. I think what I learned most from Senator Warner, and Governor Warner when I worked with him, was his attention to detail, while also having the big vision at the same time. We were in Richmond at the time. It was a divided State government. So he asked all of us to make sure we were building good relationships.

So I learned from him early on how important it was to have common ground with our Republican colleagues. When we came in, he was the first Democrat that was elected in Virginia in something like, 18 years or something. I think a lot of agencies weren't sure how we were going to be as a Democratic administration. So I learned early on the importance of building good relationships and finding common ground.

From Governor Kaine, I think what I appreciate so much about him is that his kindness that comes through is a strength. You can really feel that in all of his work. So I took away from him that you can approach every challenge with openness and kindness and transparency.

Senator CARPER. Those are great qualities and traits. You picked two good mentors.

My sister and I had the privilege of, we were born in a coal mining town in West Virginia, Beckley, and grew up in Danville, Virginia, a place you are probably familiar with, right on Route 58. If you drive that Route 58 from Norfolk toward Bristol and you go past Danville, Virginia, you bisect my old paper route where, twice a day, I would deliver the Danville newspapers as a kid.

When I was in the seventh grade, I had my paper route in the seventh grade, but I remember my seventh grade class from Coates Elementary School in Danville, we took a road trip together, about 75 of us. We went to Williamsburg, we went to Jamestown, and we went to Richmond, Virginia. When we were in Richmond, went off

of our buses, we had our water pistols with us. It was May, and we were armed for whatever trouble we could get into.

We ended up in the capital complex, and we followed a sign that said Governor's office, right to the Governor's office, right to the Governor's office. Seventy-five armed seventh graders from Coates Elementary School. The Governor, to our amazement, came out to meet with us and to speak to us. I, at the age of, I think I was 12, got to shake his hand. He said, "Young man, what would you like to be when you grow up?" And I said, "I would like to be Governor of Virginia." And he said, "Well, I am the Governor of Virginia. You will have to find another State." And I did. It worked out well for both of us.

[Laughter.]

Senator CARPER. A question, if I could, for Mr. Waterhouse.

Mr. Waterhouse, in your statement, you discussed your experience as a long time staff attorney with EPA's Office of General Counsel, both in Region 4 and at EPA headquarters. You also mentioned the types of cases that you worked on during your previous tenure at EPA.

My question would be this: During those previous 9 years at EPA, could you just share with us some of your experience and insights in working within the Comprehensive Environmental Response, Compensation, and Liability Act known as CERCLA, known as Superfund, and the Resources Conservation and Recovery Act Programs, also known as RCRA, and how that experience will benefit you in this new role leading the Office of Land and Emergency Management, should you be confirmed? That was a pretty long question.

Mr. WATERHOUSE. It is. Thank you so much for it, Senator.

I will start off by saying that when I was in the Region 4 office, I was fortunate to be in a multimedia division of the office that allowed me to work in multiple statutes, including the Clean Water Act, the Clean Air Act.

But my home was really dealing with RCRA and CERCLA, and particularly CERCLA. The thing that stands out for me in my CERCLA work and all the different Superfund cases I worked on was my ability to go out to sites and meet with members of the community. That was transformative, because those community members transformed this abstract idea of law practice into a very real experience of, how do we protect these people on the ground from the problems that they are facing right now?

And the concerns that you see on people's faces because of PCBs or TCEs or dioxin or lead made it really, I would have to say, for me, more than just a job. It was a commitment to try to help these people get this pollution away from them so they didn't have to worry about their children going outside and playing or being able to garden without getting their vegetables contaminated.

I also learned in that time that the work we do at the agency for us is about what EPA does. But for the community, it is about what the Government does and whether or not the Government is there for them when they are in their greatest point of need. For me, that is the priority that I bring to my work in OLEM. It is to make sure that we as a Government can stand behind these communities that are in need, provide them with the things they can't

do for themselves. They can't clean up 50 year old factories that have pollutants all over the place, and they can't clean up groundwater aquifers. This is our responsibility, Senator, and it has caused me to make it one that is a commitment that I am dedicated to.

Senator CARPER. Are you saying that they can't clean up, and you gave a couple of examples that ordinary citizens can't clean up. Lincoln was once asked, what is the role of government, and he responded, "To do for the people what they cannot do for themselves," to your point.

Mr. WATERHOUSE. Thank you, sir.

Senator CARPER. Mr. Uhlmann, ready? OK. A question with respect to experience with environmental crimes. You certainly have some of that. As I mentioned earlier in my introduction, you have, I think, 17, is it 17 years?

Mr. UHLMANN. Seventeen years, yes, sir.

Senator CARPER. Seventeen years of experience as a prosecutor within the Department of Justice, including 7 years as Chief of the Environmental Crimes section, where you oversaw a number of important prosecutions against individuals and against organizations that violated the laws that protect our Nation's environment and public health.

My question is, what in your extensive experience in prosecuting environmental crimes did you learn that can help EPA's Office of Enforcement in both more effectively identifying and addressing violations of environmental protection laws, as well as preventing violations before they occur?

Mr. UHLMANN. Well, thank you so much for the question, Senator. I think I would start where my colleague, Professor Waterhouse was. Because I worked on cases throughout the United States. I think the first and most important lesson I learned is just how much pollution affects our communities and harms American families.

I mentioned in my opening statement a case I prosecuted in West Memphis, which was the first environmental justice criminal trial in the United States. In that case, my witnesses, our best witnesses, really, were the neighbors who lived across the street from this hazardous waste site for more than a decade. They testified that they couldn't go out on their porches at night because the fumes were so bad.

I also mentioned a case I prosecuted in Idaho where workers, for years, were subject to just horrendous working conditions at a fertilizer manufacturer. Until one day, he sent his workers into a tank that contained cyanide waste. A 20 year old man in his first job out of high school collapsed inside that tank, suffered severe and permanent brain damage.

When the owner of the facility was asked if there was anything, what was in the tank, he said nothing that's harmful. When he was asked if there was cyanide in the tank, he lied and said, no, no possibility there was cyanide, even though he was the person who put the cyanide in the tank.

I mention these cases because, and I could go on, but I know we have limits on our time. Pollution has real effects on our communities, real effects on families, real effects on people's lives, and I

think that that first hand knowledge, for me, is probably the most important thing I learned.

But I will just mention quickly two other things. I also had the opportunity over those many years to work with the extraordinary career staff at EPA. The inspectors, who, as you point out, are very important to ensuring compliance, they were witnesses in my trials because they often were the ones who foresaw the violations at facilities.

The enforcement attorneys who work on the civil cases, they were our partners, because not every case is criminal, and in fact, the majority of cases aren't criminal. The majority of cases are civil or administrative.

So I just developed a very deep appreciation for the career staff at EPA. If confirmed, I would be honored to work alongside them.

The last thing I would say is, I am not new to this area. I am not sure how it got to be possible that I have 30 years of experience working on anything, but I would bring to the agency experience that no prior system administrators had, even though I have deep respect for my predecessors, all of whom are dedicated public servants. It just would give me the ability to hit the ground running and help the agency enforce the laws passed by Congress, protect the environment, and deliver on the promise of clean air and clean water for all Americans.

Senator CARPER. Thank you, sir.

Ms. Howe, are you ready for another question? Good.

As you know, for most workers in this country of ours, the COVID pandemic has been very difficult, both at home and at work and in between. Staying on top of work while also keeping ourselves and our families safe continues to be very challenging for most workers, and even folks that aren't working.

If you are confirmed as Assistant Administrator for Mission Support, you are going to be responsible for, among other things, managing the work force conditions of EPA's employees. My question is, how will you bring back EPA's work force to the workplace safely in the context of a pandemic?

Ms. HOWE. Thank you, Senator, for that question. Protecting the health and well being of our employees is going to be paramount for me. If confirmed, we will follow the science. We will follow the CDC guidelines very closely in ensuring that we bring back the work force as smoothly and safely as possible.

From what I understand, the EPA is already at 90 percent of its staff has been successfully telecommuting. So I would tap into that expertise as well to figure out how they did that and get their help in figuring out how to bring the work force back safely.

But while honoring the CDC guidelines, I recognize also that it is not as easy as that. I know that this pandemic has been hard on everyone, and all employees have had no commute or a different workplace, their desks are at home and not in the office. I recognize the bringing the work force back will be a tremendous change for everyone.

So, you have my commitment, if confirmed, that I will be approaching this whole process with openness and empathy and will be listening to employees' concerns throughout the process.

Senator CARPER. Good, thank you. Thank you, ma'am.

Mr. Waterhouse, another question, if I could. I hope you guys have been thinking about that last minute when you get your one more shot.

Mr. Waterhouse, with respect to leadership, I think leadership is the most important ingredient of success of any organization I have ever been a part of. I have been blessed to have learned from a lot of mentors, some of who are very good; I learned a lot from them, and some who were awful, and I learned probably as much from the latter as from the former.

Mr. Waterhouse, in addition to your time at EPA working on CERLCA, working on RCRA, you have held a wealth of experience from other positions and community involvement that has led the way in helping communities across the country address hazardous waste. My question, how will your first hand experience working within these critically important environmental statutes as well as your experience working with communities that are affected by hazardous waste pollution, how will they inform your leadership of the Office of Land and Emergency Management?

Mr. WATERHOUSE. Thank you so much for the question, Senator. I should start by saying that it has been a pleasure to be back at EPA. I find that that is a hard working, dedicated staff that is really committed to seeing that the environment is clean and to making sure that communities are safe and protected and to carry out environmental justice. I have been very enthusiastic about the real commitment I have seen.

My responsibility in coming to the office is to take the benefits of my experience, I think, as a law professor, working on environmental law and environmental justice cases and advocating on behalf of communities, and then also, my experience as a Government employee working within the confines of the agency to see where we can do even better. As a leader, I think one of my key responsibilities is to help provide guidance through change.

So, one of the things we see is with the Biden infrastructure deal, there are massive amounts of additional resources that are slated to come toward the Brownfields Program and the Superfund Program. That means that we are going to have to double down on our efforts within the office to make sure that more communities are able to get the benefit of these resources.

Finally, I would say that President Biden, through his executive order on climate justice, has directed the agency to provide 40 percent of the benefits of some of our programs to disadvantaged communities. I see my role as helping the staff to understand how we can best and effectively see that all communities are able to get the benefits of these opportunities to have clean air and clean water and revitalize communities through the benefit of our Brownfields Grant Program.

Senator CARPER. Thank you.

Ms. Howe, this is probably going to be my last direct question of you, but it deals with cybersecurity. I serve on a committee called Homeland Security and Governmental Affairs. We work a lot on cybersecurity issues. Unfortunately as we go forward in the future we are likely, as a country, to have to deal with even more of them.

But if confirmed, you are going to lead EPA's efforts to maintain and strengthen the agency's cybersecurity efforts, I am told. As you know, the criminal enterprises and adversarial states continue to increase their efforts to break into our computer networks, to steal our information, and to compromise our security. In recent years, EPA has been among the agencies that have seen the major cybersecurity breaches.

If confirmed, how will you seek to ensure that EPA makes cybersecurity a top priority within the agency?

Ms. HOWE. Thank you, Senator, for that question. Protecting the American people and environment will always be job No. 1, and that means cybersecurity must be a top priority for mission support.

If confirmed, I will work aggressively to ensure that EPA's posture on cybersecurity improves. I will also work closely with the Chief Information Officer and the Chief Financial Officer to collaborate on IT funding and investment strategies.

Also, I will work transparently with you and let you know when the EPA needs additional tools and resources to help mitigate cybersecurity vulnerabilities, and I will report back when issues arise.

Senator CARPER. There is an app called CISA within Homeland Security. They are in a position to help you, and they help your agency. You should take advantage of that.

And you are familiar with General Accountability Office, GAO. They have a lot of smart people who work there, and some of them are really gifted and knowledgeable with respect to cybersecurity. I would urge you to take advantage of that as well.

Ms. HOWE. I will, thank you.

Senator CARPER. Sure.

Last question I have, this was the picture you were all telegraphed, and as I told you, I wanted you to maybe think of a question you weren't asked that you would have like to have been asked, because you want to answer it right now.

Mr. Waterhouse, I will let you take the first shot at that, and then we will look to Mr. Uhlmann, and Ms. Howe.

Mr. WATERHOUSE. Thank you so much for that opportunity, Senator.

Senator CARPER. Don't screw up this one.

[Laughter.]

Mr. WATERHOUSE. So, I wish someone had asked me what my priorities are for the office, and I would like to share them.

Senator CARPER. I would like to ask that.

Mr. WATERHOUSE. OK. Thank you so much, Senator. I would like to share that my priorities for the office really are threefold. One is to make sure that we are able to expand and extend the number of people who benefit from our Brownfields Grants Program. That program is so vital because it allows for worker training to retool people who need new opportunities and new careers that allows them to clean up their communities and other communities that are polluted. It allows us to provide cleanup and assessment grants so that communities can see where the pollution is that needs to be addressed, and then find out how to clean it up and get it cleaned up.

It also allows for redevelopment in a very powerful way. I have seen a number of former Brownfields projects that have become revitalized neighborhoods, revitalized downtowns. Some people ask for grocery stores, some people ask for parks, some people get whole harbors. This is a really vital program, and I want to focus attention on it.

In addition to focusing on getting clean ups done more quickly and more efficiently under the CERCLA program so that we can make sure that communities aren't suffering environmental injustices from being overburdened with pollution. Then last, to make sure that we are able to get the rulemaking done to address contaminants like PFAS that are emerging that are causing such a threat to our community and our country.

Senator CARPER. Great question, and a pretty darned good answer, too. Thank you.

Mr. WATERHOUSE. Thank you, Senator.

Senator CARPER. Mr. Uhlmann.

Mr. UHLMANN. Thank you, Senator. I suppose I should talk about my priorities. I would like to just mention three priorities.

Senator CARPER. OK.

Mr. UHLMANN. There is a long list at EPA, a lot of challenges facing our Nation and the world, and EPA seems to be at the center of so many of them. But I would hope to, if confirmed, help the agency address what I call 21st century environmental problems. I would like to promote ethics integrity and environmental stewardship programs in American businesses, and I would like to strengthen the Office of Enforcement and Compliance Assurance.

If I could, I would just like to say a few more words about each of those. First, when I talk about 21st century environmental problems, there is obviously none greater than climate change. As I mentioned earlier in response to a question from the Ranking Member, Senator Capito, this summer has just placed such a bright light on a problem that almost certainly should have been apparent to us long ago. We urgently need to address climate change. I want to make sure that whatever laws are passed, whatever rules are developed at EPA, that they are a focus of our compliance and enforcement efforts at the agency.

I also want to make sure we are doing our part to promote environmental justice to address the horrible problem of PFAS contamination, which Senator Kelly talked about, that affects so many States, including my own, and particularly affects military families who have done so much service to our country.

Another example, the list is long, but another example would be providing safe drinking water in every community in America. Flint, Michigan, where I was born and just 60 miles north of Ann Arbor where I live today, experienced a drinking water crisis that no American community in the 21st century should face. Yet we have seen similar problems in Newark, in Jackson, Mississippi, where your colleague Senator Wicker, I know, is very concerned about the drinking water situation.

So I want to make sure we are doing everything we can in the Office of Enforcement and Compliance Assurance to help address those problems.

When I talk about ethics integrity and environmental stewardship, I am mindful of something the Administrator said, which is, "We can't regulate our way out of every environmental problem in the United States." I have been struck by my work both on the Volkswagen case and just in general as a law professor, the degree to which there is a shift in American businesses away from just the bottom line compliance, dotting the Is and crossing the Ts, but actually to focusing on ethics integrity, doing the right thing, being leaders on environmental stewardship, promoting sustainability efforts.

We get so much better results for our communities when that is our focus, and I really hope that the agency under my leadership, if confirmed, can promote those efforts and make ethics integrity and environmental stewardship something that every business embraces, as I think it should.

Last, but certainly not least, strengthening the office I have been nominated to lead starts with securing resources for them. They have experienced a 30 percent cut over the last decade in their resources. By the end of the last administration, there were fewer than 150 criminal investigators for the entire United States. There were 20 States where there was not a single investigator. And enforcement numbers had dropped significantly, as I have demonstrated working with my students in our research.

And so working with Congress to try and secure the resources the office needs, but also making sure that we are doing everything we can to deliver clean air and clean water for every American in every community, and to do so in a non-partisan way. We may all differ about our political views, but in enforcement, there is no role for politics. It is about the law and the facts, following both, and delivering results for the American people. That is what I hope I have the opportunity to do if I am confirmed for this role.

Senator CARPER. Thank you very much for those words.

Ms. Howe.

Ms. HOWE. Thank you, Senator, for that question and opportunity. I think mine is a little bit different in the sense that I wish I had been asked how I feel about being considered for this role.

Senator CARPER. How do you feel about it?

Ms. HOWE. Thank you. I am not only honored, but I am very excited about it. I am excited about all the challenges that the Office of Mission Support faces. And that is really important to me, because in attracting and recruiting and retaining our excellent work force at EPA, I want to be very proactive in getting that message out to future job applicants, that the EPA is an exciting place to work, and you can join a dedicated and talented group of staff.

So I am very excited about the prospect of hopefully being confirmed.

Senator CARPER. Good, thanks. I am hopeful as well.

A couple of points in closing. One, I use the term shared responsibility a lot. The Federal Government has responsibilities, I mentioned Lincoln earlier, what it is the role of the government, to do for the people what they cannot do for themselves. But whether it is replacing lead pipes or the issue might be cleaning up Superfund sites, there is a shared responsibility here. The Federal Government has a considerable responsibility, but not the only one.

As a recovering Governor, I know that the Governors through the National Governors Association have a lot of capability and a lot of resources to bring to bear. You all have mentioned, I think each of you mentioned responsibilities of the private sector businesses and companies, many of which are stepping up in impressive ways.

We had, Senator Capito and I, yesterday held with Senator Boozman, who—he and I are cofounders of the Senate Caucus on Recycling; we held a roundtable yesterday, which about six or seven of the leading businesses in our country, some of which are pretty well known, not some, not so well known, who are doing remarkable things in the recycling arena. So that, I find that encouraging, and we all need to do more, but I was encouraged by what we learned yesterday.

The staff have heard me quote Albert Einstein too often, but Einstein, among other things, said, “In adversity lies opportunity,” and those words have guided me throughout my life. I look at adversity, and I say, I see the opportunity. Let us put together a great team of men and women; let’s get some resources; let’s go to work and collaborate and address a particular issue.

Yesterday, I started my day, I used to jump on a train in Wilmington and head south and come to work. I used to be on the Amtrak Board. When I was a little boy, I took my first train ride with my grandfather in Beaver, West Virginia. He was a fireman on the B&O Railroad, and he took my sister and I for a ride with him.

Of course, it was patently against the law, I am sure, but I have been a great fan of trains for forever.

But I started my day yesterday climbing on a train not with my grandfather, who is long gone, but we came on down to DC, and we held a press event outside. We held it with the American Lung Association. The focus was on reducing one of maybe the top source of carbon emissions in our country, and that is our mobile sources, our cars, trucks, and vans, and our buses, including our school buses, which put out a lot of diesel exhaust and a lot of greenhouse gas pollution.

The bad news is, they put out a lot of pollution. The good news is, there are ways to clean it up, and we have the science and the technology to do that.

In the bipartisan infrastructure bill that has passed the Senate by about a two to one margin, we are going to put a lot of resources toward replacing school buses and electrifying school buses, electrifying regular buses, transit buses, and even electrifying some ferries in different parts around the country.

In doing that, we are going to improve air quality, we are going to address climate change, and we are going to put a ton of people to work in jobs that need to be done and can be done.

One of you mentioned challenges. I think you mentioned drinking water, and one of you also said none, no challenge is greater than climate change, and I certainly agree.

I said to President-Elect Joe Biden that the pandemic, the COVID pandemic that we have been going through, is not something that should divide us. It should unite us.

I think the same is true of climate change. It is something that should unite us, not divide us. Our country is greatly in need of pulling together and unifying, and we need leaders who understand

that and demonstrate by their own behavior and their own leadership those kinds of unifying skills.

So, if you are confirmed, I am hopeful and I am encouraged today that those are some of the skills that you will bring to bear.

With that, I have a very short statement that my staff has been, these people right behind me, nice enough to help prepare. I want to say one of the glories and joys of serving on this Committee for, I have been here for 20 years, and I have been on this Committee for 20 years, now I get to Chair and lead it with Senator Capito. One of the joys is we work together, and we get stuff done.

We reported out unanimously infrastructure legislation for water infrastructure, drinking water, wastewater, unanimously out of this Committee, in this room, unanimously. We did the same thing with surface transportation reauthorization for roads, highways, bridges, and climate change, unanimously, out of this room, and we are proud of that. I am privileged, along with Shelley Capito, to lead these work horses, not show horses.

In closing, let me just say, Ms. Howe, Mr. Uhlmann, Mr. Waterhouse, thank you for joining us today. Thank you for your willingness to serve our country in these new ways, and after having done a whole lot of good with your lives already. Our Nation faces no shortage of environmental challenges; we know that.

We need qualified, dedicated individuals at EPA and frankly, in every other agency that we have. Each of you has demonstrated why President Biden has nominated you for leadership positions at EPA, and your testimony today is further proof of that.

A long time ago, there was a guy named Caesar Rodney, who was one of our first Governors. Before we had Governors, we had presidents in Delaware. A couple of days before July 4th, he rode his horse all the way from Dover, Delaware, to Philadelphia in order to cast a tie breaking vote in favor of the Declaration of Independence, and the Declaration of Independence was penned. Caesar Rodney was a slave owner, but the Declaration of Independence was written by, that he was going up to ride his horse to ratify, it was written by a slave owner, Thomas Jefferson, and who, as I recall, freed his slaves before he died, I think.

But if you are reading through the Declaration of Independence, and one of the words that I find most compelling and most memorable are these: Life, liberty, and the pursuit of happiness. Life, liberty, and the pursuit of happiness. It is hard to have life, liberty, and the pursuit of happiness if we don't have clean air, clean water, and a safe environment in which to live, to raise our families; tough to have that.

So, not many people think if they read the Declaration of Independence and think, ah, that is where EPA fits in. Well, it does. There, it does. It is a message and a lesson, and it has been close to how many years old, 200, 245 or so. So your agency will be part of the structure, the fabric of our country, and our country's history.

So, good luck as we go forward. We look forward to working to try to get you confirmed, and I think we have made a good start. You have made a good start today.

I want to thank our colleagues who joined us in person and remotely. I look forward to seeing my colleagues, and I look forward

to seeing all of you again later next week, when we are back in session. Thank you very much, and God bless.

I would also like to submit for the record a variety of materials that include letters from stakeholders and other materials that relate to today's nomination hearing.

Since there is no one here to object, so ordered.

[The referenced information follows:]

July 13, 2021



Dear Senator Tom Carper of Delaware, Chair of Environmental and Public Works Committee and Ranking Members Senator Shelly Capito,

CK Hoffler
President & CEO
Atlanta, GA

Carlos Moore
President-Elect
Grenada, MS

Lamont Bailey
Vice President of
Sections & Divisions
Queens, NY

Lonita Baker
Vice President of
Regions & Affiliates
Louisville, KY

Dominique Calhoun
Vice President of
Membership
Houston, TX

Henry Floyd, Jr.
Vice President of
Finance
Washington, DC

Ashley Upkins
Secretary
Nashville, TN

Nicholas Austin
Treasurer
Washington, DC

Maurice Foster, Esq.
Interim Executive
Director
Washington, DC

I write to you as the 78th President of the National Bar Association (NBA). The NBA is the nation's oldest and largest national network of predominantly African-American attorneys and judges. Our organization represents the interests of approximately 65,000 lawyers, judges, law professors and law students. We have brilliant members who can provide invaluable support and service the Biden-Harris administration. I am writing in strong support of Dr. Carlton Waterhouse to serve as the Assistant Administrator of Land and Emergency Management, Environmental Protection Agency ("EPA").

The NBA supports Dr. Waterhouse because of his unique background and his stellar career. He is an international expert on environmental law and environmental justice. He has lectured globally on climate justice and group-based inequality. In 2019, he testified before the InterAmerican Commission on Human Rights of the Organization of American States, and in 2018 he completed a Fulbright research fellowship in Brazil. His views have been published in the New York Times, the Wall Street Journal, and many other media outlets. His scholarship includes essays, articles, and book chapters addressing environmental justice. After completing law school, Dr. Waterhouse began his career as an attorney with the United States Environmental Protection Agency where he served in the Office of Regional Counsel in Atlanta, Georgia and the Office of General Counsel in Washington, D.C. While at the EPA, he served as the chief legal counsel for the agency in several significant cases and as a national and regional expert on environmental justice, earning three of the Agency's prestigious national awards.

Dr. Waterhouse earned a Ph.D. in Social Ethics from the Emory University. He is also a graduate of the Howard University School of Law, the Candler School of Divinity and the Pennsylvania State University. He is currently on a leave of absence from the Howard University School of Law where he serves as a Professor of Law and as the inaugural director of the school's Environmental Justice Center which is under development. Before joining the Howard University faculty in 2019, he served as a Professor of Law at the Indiana University Robert H. McKinney School of Law where he directed the Environment, Energy, and Natural Resources Law Program. Drawing from his unique background, Dr. Waterhouse examines civil rights, human rights, and environmental issues from a multidisciplinary approach. He actively participates in national, local, and international organizations protecting civil rights and addressing environmental issues. In February 2021, he was appointed to serve in the Biden Administration as the Deputy Assistant Administrator for the Office of Land and Emergency Management at the EPA.

I am proud to submit this letter on Dr. Waterhouse's behalf. He has our highest recommendation to become the Assistant Administrator of Land and Emergency Management at the EPA.

Very truly yours,


Tricia "CK" Hoffler
78th President
National Bar Association

Senator CARPER. Senators will be allowed to submit questions for the record through the close of business on Wednesday, September 29th. That will be 2 weeks from today. We will compile those questions, we will send them to our witnesses, and we would ask that you all reply by Monday, October 4th.

With that, this hearing is adjourned.

Thank you all.

[Whereupon, at 11:51 a.m., the hearing was adjourned.

