

**A REVIEW OF SCIENCE AND TECHNOLOGY
ACTIVITIES AT THE ENVIRONMENTAL
PROTECTION AGENCY AND THE USE
OF SCIENCE IN REGULATORY
AND DEREGULATORY DECISION-MAKING**

HEARING
BEFORE THE
**COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY**
OF THE
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WEDNESDAY, SEPTEMBER 27, 2023

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, D.C.

The Committee met, pursuant to notice, at 10:06 a.m., in room 2318, Rayburn House Office Building, Hon. Max Miller presiding.



**FULL COMMITTEE
HEARING CHARTER**

“Science and Technology at the EPA”

**Wednesday, September 27, 2023
10:00 a.m.
2318 Rayburn House Office Building**

Purpose

The purpose of this hearing is to discuss and review the science and technology activities at the Environmental Protection Agency (EPA) and the use of science in the Agency's regulatory decision-making processes.

Witness

- **The Honorable Michael Regan**, Administrator, Environmental Protection Agency

Overarching Questions

- What role does science and technology play at EPA?
- How does EPA consider statutorily mandated coordination with other agencies when it comes to the scientific decision-making process?
- How is scientific integrity and best available science kept consistent within EPA?

Background

The mission of the United States EPA is to protect human health and the environment.¹ The Agency is tasked with conducting ongoing research and scientific analysis to provide national guidance on environmental and human health risks.

The House Committee on Science, Space, and Technology has jurisdiction over all matters relating to environmental research and development.² EPA is required by several statutes to use science to support the Agency's decision-making process with the primary statute being the 1978 Environmental Research, Development, and Demonstration Authorization Act (ERDDAA)³. ERDDAA broadly authorized environmental research at EPA and established the non-regulatory

¹ *Our Mission and What We Do*, United States Environmental Protection Agency
<https://www.epa.gov/aboutepa/our-mission-and-what-we-do>.

² Rules of the House of the Representatives, Rule X, Clause 1 (p).

³ Environmental research, development, and demonstration authorization act, H.R. 11302, 95th Cong. (1978).

Office of Research and Development (ORD) to house research programs. ERDDAA also directed the creation of the Science Advisory Board (SAB) at EPA. Among additional major environmental statutes that grant authority to EPA to conduct research and development activities are the Clean Air Act (CAA)⁴, Safe Drinking Water Act (SDWA)⁵, Clean Water Act (CWA)⁶, and Toxic Substances Control Act (TSCA).⁷

Appropriations

The EPA's total enacted funding in Fiscal Year 2023 was \$10,135,433,000, which is an increase of 25% from a decade ago. The FY 2024 budget request for the Agency's Science & Technology account is \$968 million, which would amount to 8% of the EPA's total budget. In any given fiscal year, the Agency typically manages approximately 6,000 active grants totaling approximately \$21 billion.

EPA Office of Research and Development

EPA's Office of Research and Development (ORD) is the Agency's scientific research arm tasked with informing the decision-making process and supporting the emerging needs of a wide variety of stakeholders, including the state, tribal, and local partners.⁸ While the Committee on Science, Space, and Technology has primary jurisdiction over ORD, the committee also shares jurisdiction of many of the functions with the Committee on Energy and Commerce.

ORD's work is divided into six research programs: Air, Climate, and Energy; Chemical Safety for Sustainability; Health and Environmental Risk Assessment; Homeland Security; Safe and Sustainable Water Resources; and Sustainable and Healthy Communities.

ORD offices and centers are located in 10 facilities throughout the United States and ORD serves as the Agency's National Program Manager for Regional Laboratories to oversee the strategic direction, budgetary alignment, and overall performance of the laboratories associated with each of EPA's ten regional offices. ORD's Immediate Office of the Assistant Administrator coordinates with three other offices and four research centers. Internal support function divisions include the Office of Resource Management and the Office of Science Information Management.⁹

ORD's Office of Science Advisor, Policy, and Engagement

ORD's Office of Science Advisor, Policy, and Engagement (OSAPE) supports EPA's Science Advisor, coordinates, and integrates scientific findings across ORD and the Agency, with key external partners, and into the regulatory process.¹⁰

⁴ *Clean Air Act Text*, United States Environmental Protection Agency <https://www.epa.gov/clean-air-act-overview/clean-air-act-text>.

⁵ The safe drinking water act, 42 U.S.C. § 300 (1974).

⁶ The clean water act, 33 U.S.C. §1251 (1972).

⁷ The toxic substances control act, 15 U.S.C. § 2601 (1974).

⁸ *About the Office of Research and Development (ORD)*, United States Environmental Protection Agency <https://www.epa.gov/aboutepa/about-office-research-and-development-ord>.

⁹ *Organization Chart for the Office of Research and Development (ORD)*, United States Environmental Protection Agency <https://www.epa.gov/aboutepa/organization-chart-office-research-and-development-ord>.

¹⁰ *About the Office of Science Advisor, Policy and Engagement (OSAPE)*, United States Environmental Protection Agency <https://www.epa.gov/aboutepa/about-office-science-advisor-policy-and-engagement-osape>.

OSAP also includes EPA's Human Subjects Research Review Official and EPA's Scientific Integrity Official. The Human Subject Research Review Official provides Agency leadership regarding the approval of human research and oversight of relevant policies, practices, and regulations. The Scientific Integrity Official leads the implementation of the Agency's Scientific Integrity policy in collaboration with senior leadership within EPA.

Center for Computational Toxicology & Exposure

The Center for Computational Toxicology & Exposure (CCTE) is tasked with supporting Agency decisions by providing research to evaluate chemical exposure risks and ensure freshwater integrity.¹¹

CCTE performs rapid chemical screening and evaluation that allows thousands of chemicals to be evaluated for potential risk in a very short amount of time. The data and tools produced by CCTE researchers can then be leveraged to help Region and Program Offices, states, tribes, and communities make decisions to sustain a healthy society and environment.

Center for Environmental Measurement and Modeling

The Center for Environmental Measurement and Modeling (CEMM) conducts research to advance the Agency's ability to measure and model contaminants for the purpose of implementing environmental statutes.¹²

Center for Environmental Solutions & Emergency Response

The Center for Environmental Solutions & Emergency Response (CESER) plans, coordinates and conducts applied national research and development focused on improving decision-making at all levels of government.¹³

CESER work focuses on effective and innovative approaches to safeguarding public water systems and remediating contaminated soil, sediments, urban areas, and groundwater. Contamination sources include those traditionally managed through environmental regulation and emerging environmental stressors, as well as potential threats from terrorism or natural disasters.

Center for Public Health and Environmental Assessment

The Center for Public Health and Environmental Assessment (CPHEA) provides science to support policy regarding human health and ecological integrity.¹⁴

¹¹ *About the Center for Computational Toxicology and Exposure (CCTE)*, United States Environmental Protection Agency <https://www.epa.gov/aboutepa/about-center-computational-toxicology-and-exposure-ccte>.

¹² *About the Center for Environmental Measurement and Modeling (CEMM)*, United States Environmental Protection Agency <https://www.epa.gov/aboutepa/about-center-environmental-measurement-and-modeling-cemm>.

¹³ *About the Center for Environmental Solutions and Emergency Response (CESER)*, United States Environmental Protection Agency <https://www.epa.gov/aboutepa/about-center-environmental-solutions-and-emergency-response-ceser>.

¹⁴ *About the Center for Public Health and Environmental Assessment (CPHEA)*, United States Environmental Protection Agency <https://www.epa.gov/aboutepa/about-center-public-health-and-environmental-assessment-cpha>.

CPHEA develops systems-informed scientific approaches and conducts research to address complex environmental problems, providing information and solutions that lead to improvements in environmental condition, ecosystem service production, and human health and well-being.

EPA Science Advisory Board

The Science Advisory Board (SAB) was established by the 1978 Environmental Research, Development, and Demonstration Authorization Act to provide scientific advice to the Administrator and to review the quality and relevance of the scientific and technical information being used by EPA. SAB is also responsible for reviewing EPA research plans and programs and providing broad scientific advice.

SAB is currently comprised of 46 individuals, most of whom are associated with various universities, and several from various companies or nonprofits.¹⁵ The current SAB Standing Committees are as follows: the Agricultural Science Committee; Chemical Assessment Advisory Committee; Climate Science Committee; Drinking Water Committee; Economic Analysis Committee; Environmental Justice Science Committee; and Radiation Advisory Committee.¹⁶ EPA's Science Advisory Board charter is renewed every two years in accordance with the provisions of the Federal Advisory Committee Act (FACA).

Most of SAB's preliminary work is done by the subcommittees or panels which are chaired by their members. Recommendations of subcommittees and panels are transmitted to SAB for discussion and deliberation and are forwarded to EPA only if SAB determines it appropriate.¹⁷

Clean Air Act

Under the Clean Air Act (CAA), science is required for setting health-based air quality standards for certain industries, including for motor vehicles and industrial facilities, many of which are further dictated by state laws. Per the CAA, EPA is tasked with reviewing scientific data on pollutants, air quality, and emissions, which is largely carried out through modeling, risk assessments, and cost-benefit analyses.¹⁸

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) aims to regulate waters actually or potentially used for drinking, including above and underground sources. SDWA authorizes EPA to establish minimum standards to protect such water and requires all owners or operators of public water systems to comply with the health-related standards. SDWA also requires that EPA consider a

¹⁵ *Science Advisory Board (SAB)*, United States Environmental Protection Agency https://sab.epa.gov/ords/sab/r/sab_apex/sab/tier-1-members.

¹⁶ *Current Committees and Panel*, United States Environmental Protection Agency https://sab.epa.gov/ords/sab/r/sab_apex/sab/ccandpanels.

¹⁷ *About the Science Advisory Board*, United States Environmental Protection Agency https://sab.epa.gov/ords/sab/r/sab_apex/sab/aboutthesab.

¹⁸ *The Clean Air Act: Solving Air Pollution Problems with Science and Technology*, United States Environmental Protection Agency <https://www.epa.gov/clean-air-act-overview/clean-air-act-solving-air-pollution-problems-science-and-technology>.

detailed risk and cost assessment, and best available peer-reviewed science, when developing standards.¹⁹

Clean Water Act

The Clean Water Act (CWA) establishes the basic regulatory structure for discharges of pollutants into the waters of the United States and for regulating quality standards for surface waters. The CWA requires EPA to develop surface water quality criteria that reflects the latest science on water pollutants for human health and the environment.²⁰

Toxic Substances Control Act

Under the Toxic Substances Control Act (TSCA), EPA evaluates the risks that new and current chemicals may pose to human health and the environment. EPA is required to meet the scientific standards under the Act for best available science.²¹ EPA is required to use a documented weight-of-scientific-evidence approach when conducting risk evaluations and open scientific reviews for public comment.²²

EPA Rulemakings

From January 2021 to September 15, 2023, EPA has promulgated 1,083 rules under the purview of the Agency. Close to 400 of these rules are related to air plan approvals, air quality, and clean air plans. There have been over 600 rulemakings related to chemical and pesticide tolerances.²³

EPA is in the process of rulemaking on several new rules on the following matters: a phasedown of hydrofluorocarbons (HFCs)²⁴; new air quality standard (NAAQS) for fine particle pollution²⁵; new regulations for the six types of PFAS²⁶; new motor and heavy-duty vehicle emissions standards²⁷; a new Cross-State Air Pollution Rule (CSAPR) on ozone air pollution.²⁸

¹⁹ The safe drinking water act, 42 U.S.C. § 300 (1974).

²⁰ *Summary of the Clean Water Act*, United States Environmental Protection Agency <https://www.epa.gov/laws-regulations/summary-clean-water-act>.

²¹ *How EPA Evaluates the Safety of Existing Chemicals*, United States Environmental Protection Agency <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/how-epa-evaluates-safety-existing-chemicals>.

²² *Risk Evaluations for Existing Chemicals under TSCA*, United States Environmental Protection Agency <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-evaluations-existing-chemicals-under-tsca>.

²³ *Document Search*, Federal Register (Sept. 14, 2023),

https://www.federalregister.gov/documents/search?conditions%5B%5B%5D=environmental-protection-agency&conditions%5Bpublication_date%5D%5Bgte%5D=01%2F20%2F2021&conditions%5Bpublication_date%5D%5Blte%5D=09%2F14%2F2023&conditions%5Btype%5D%5B%5D=RULE.

²⁴ *Phasedown of Hydrofluorocarbons: Allowance Allocation Methodology for 2024 and Later Years* 87 Fed. Reg. 66372 (proposed Nov. 3, 2022).

²⁵ *Particulate Matter (PM) Standards - Federal Register Notices from Current Review*, United States Environmental Protection Agency <https://www.epa.gov/naaqs/particulate-matter-pm-standards-federal-register-notices-current-review>.

²⁶ *PFAS National Primary Drinking Water Regulation Rulemaking* 88 Fed. Reg. 18638 (proposed March 29, 2023).

²⁷ *Control of Air Pollution From New Motor Vehicles: Heavy-Duty Engine and Vehicle Standards* 87 Fed. Reg. 17414 (proposed March 28, 2023).

²⁸ *Revised Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS* 86 Fed. Reg. 23054 (proposed April 30, 2023).

Mr. MILLER. The Committee will come to order. Without objection, the Chair is authorized to declare recesses of the Committee at any time.

Opening statements, before my opening statement, I would like to—also to request unanimous consent to submit Chairman Lucas' opening statement for the record.

[The prepared statement of Chairman Lucas follows:]

Thank you for joining us today, Administrator Regan. The work you do at the Environmental Protection Agency (EPA) is incredibly important, and it touches the lives of every American.

Nowhere is that more apparent than in my home state of Oklahoma where we have abundant natural gas production, farming, and ranching. All those sectors of our economy are impacted daily by EPA's work. And while the Agency does an excellent job to ensure the health and safety of Americans, some regulations have costs and consequences that outweigh their potential benefits.

For instance, proposed EPA rules on greenhouse gas emissions from the power sector could potentially cost billions of dollars and trickle down to customers in the form of higher energy bills. A single insecticide, chlorpyrifos, that EPA is unilaterally proposing to ban has a value of at least \$130 million to our economy. And the Waters of the United States (WOTUS) rule could possibly devastate farmers and ranchers whose lands could suddenly be subject to major federal regulation.

Every EPA action has a significant impact on our health, safety, and economy. That's why it's so important that the regulatory decisions EPA makes are based on the best available science.

Our job on this committee is to make sure that EPA's actions are grounded in sound science—and that includes using solid data, thorough analyses, cost-benefit assessments, and a process that's collaborative and transparent.

I have a few concerns with some of EPA's current actions and whether they are being driven by the best-available science as required under law. For instance, the EPA's decision to ban chlorpyrifos not only exceeds the safety determinations made by EPA's own scientists, but it also runs counter to the scientific analysis done by USDA scientists.

In another example, multiple proposed new rules on greenhouse gas (GHG) emissions under the *Clean Air Act* are raising questions because they are unrealistic and could leave our power sector vulnerable to outages.

When EPA makes decisions that either ignore consensus science or create impossible costs for our businesses, it runs the risk of prioritizing politics over smart policy. And that harms all Americans.

So I'm looking forward to a lively discussion today about how we can improve the way the agency conducts science and—just as importantly—improve how science informs EPA's decision-making.

Administrator Regan, this is your first time before the Committee and I expect this to be a comprehensive hearing that touches on a wide range of topics. I'm grateful for your participation and, given the critical role of science at EPA, I'd like to be sure this becomes a regular occurrence.

I hope you agree with me that science and scientific integrity must be a priority for the EPA Administrator, and that there's value in having regular conversations with Congress to discuss these key topics.

I thank you for your time today, and I look forward to a productive discussion.

Mr. MILLER. I now recognize myself for five minutes for an opening statement.

I'd like to welcome everyone to this morning's hearing, "Science and Technology at the Environmental Protection Agency (EPA)." I'm pleased to welcome EPA Administrator Michael Regan for the very first time in front of the Science Committee. In fact, this is the first time any EPA Administrator has testified since 2019, so we certainly have a lot here to discuss. So thank you for coming.

While I appreciate you joining us today, I have to say that your testimony was sent to the Committee unacceptably late. We require witnesses to share their written testimony no less than 48 hours ahead of our hearings. This isn't an arbitrary deadline. Our Members need time to review your statements, sir, so we can fully pre-

pare for these discussions and ask thoughtful, informed questions. We invited you to testify in July so you had plenty of time to meet this deadline, and while I know you have an internal review process, previous Administration witnesses have had no problem getting us their testimony on time.

Given the importance of science at EPA, it's my hope and Chairman Lucas' that the Administrator will come before this Committee regularly in the future. So I expect that the next time you'll join us, we'll have your testimony ahead of time so we can have the most productive discussion possible.

I anticipate that much of today's conversation will focus on the use of science and technology and the EPA's regulatory and, when necessary, deregulatory agenda. And although it's been a while since we've heard it, every EPA Administrator that has come before our Committee has stressed the need for scientific integrity at the EPA and the importance of relying on the expertise of career staff and scientists when crafting the regulations and policies of the Agency.

That reliance on science is especially important today, given the fact that the Biden Administration's EPA has promulgated 1,083 rules to date. That's nearly 55 rules a month since the President took office. There is no industry exempt from the wide range of topics that these rules cover, from pesticides and agriculture, to emissions for power plants, to chemicals and manufacturing. Regulations have the potential to hamstring our economy if not achievable and based on science.

Administrator Regan's EPA has set very ambitious goals, reducing emissions from the power sector by 80 percent, having 2/3 of the cars on the road be zero emission, and nearly eliminating all methane emissions in the country, just to name a few. Admirable as those may be, we simply cannot set goals without analyzing the economic and social costs to achieve them. We can't just flip the switch off for domestic fossil energy production unless we have reliable and affordable replacements. Otherwise, hospitals and military bases would go dark, families would struggle to make ends meet, businesses would close, and lives would be lost. We need to be realistic about what these goals require from the people we serve.

Additionally, today's hearing is an opportunity to get an update from the Administrator on the \$100 billion influx of funding the Agency has received through the *IIJA (Infrastructure Investment and Jobs Act)* and *IRA (Inflation Reduction Act)*. No matter what side of the political spectrum you sit on, this pace of spending is undeniably vulnerable to the waste, fraud, and abuse. This funding has set the potential to positively impact crucial sectors of our economy, but it also has the potential to fund wasteful projects that line the pockets of select environmental groups and prop up technologies that will never achieve success on their own in the market. So we must carefully examine the Agency's processes to set up new programs, get money out the door, and monitor the progress of projects well into the future.

I want to thank the Administrator for being here today, and I'll end with a bit of sentiment. Testifying is a lot like a doctor's appointment. While we're purposely looking for things that are

wrong, and you'll hear criticisms on how things look, it's because we want to prevent actions from turning into an unfixable problem. Everyone here wants an effective, smoothly running Environmental Protection Agency, and today is a necessary step to ensure that. I hope we can work together to ensure EPA is doing things for people and not to people.

[The prepared statement of Mr. Miller follows:]

I want to welcome everybody to this morning's hearing, Science and Technology at the Environmental Protection Agency.

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Admirable as those may be, we simply cannot set goals without analyzing the economic and social costs to achieve them.

We can't flip the switch off for domestic fossil energy production unless we have reliable and affordable replacements.

Otherwise, hospitals and military bases would go dark, families would struggle to make ends meet, businesses would close, and lives would be lost. We need to be realistic about what these goals require from the people we serve.

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Everyone here wants an effective, smoothly running Environmental Protection Agency and today is a necessary step to ensure that. I hope we can work together to ensure EPA is doing things for people, not to people.

Mr. MILLER. I now would like to recognize the Ranking Member, the gentlewoman from California, for her opening statement.

Ms. LOFGREN. Well, thank you very much. And thank you, Administrator Regan, for being here with us today.

Before saying anything else. I just want to say how delighted I am to see Chairman Lucas back here. Mr. Lucas, on behalf of all Members and staff on this side of the aisle, we're wishing you continued success on your recovery. We stand ready to do whatever we can to assist, and it's just really terrific to see you back.

I also want to discuss the EPA's research and development (R&D) work. You know, the EPA has a unique and really an important mission, to put human and environmental health at the center of everything they do. The Office of Research and Development (ORD) serves a crucial role in that mission. The office drives the science that the regulatory offices depend on to ensure they're setting health protective standards. It puts out state-of-the-art assessments that State, local, and tribal governments rely on to protect their residents. EPA laboratories across the country monitor air for pollutants, soil for contaminants like PFAS, and water to track viruses, including COVID-19. All Americans, whether they know it or not, depend on EPA to deliver on its clear mandate to prioritize health and safety above all else.

Now, under your leadership, this EPA has made incredible efforts to bring this mission to environmental justice communities. These communities have been on the frontlines of really devastating pollution by industry and sometimes by the Federal Government itself. Some bear an incredibly high risk of cancer due to unfettered dumping by chemical companies. Others worry that environmental contaminants and anemic government responses will have irreversible impact on their children's development. They have been neglected in programs that have prioritized clean water, energy efficiency, and climate resilience in other better-resourced areas. EPA's new Office of Environmental Justice and External Civil Rights is an important step in addressing these needs and connecting these communities with much-needed information and resources.

I'm proud of the work we did in the last Congress to fund this effort. The *Inflation Reduction Act* provided \$41 billion to the Agency to advance environmental justice, and the *Bipartisan Infrastructure Law* included \$50 billion to improve water infrastructure and quality. I look forward to hearing how Congress can continue to support this important work.

Now, I would be remiss not to note the larger context of this meeting today. We're hurtling toward a government shutdown. There's infighting taking priority over the functioning of our government and, by extension, the health and well-being of all Americans. Administrator Regan is a perfect witness to put this into perspective.

This year, we've seen at least 23 weather- and climate-related disasters with losses exceeding \$1 billion. In the thick of hurricane season, how will EPA determine that it's safe to drink the water following the next devastating storm? EPA provides rapid response to manmade disasters as well. What if there's another catastrophic train derailment like we saw earlier this year in Ohio? EPA can't

effectively respond and inform evacuation orders if their hands are tied by this manufactured crisis.

I hope your testimony, Mr. Regan, can inform the larger body of just how many serious consequences of the shutdown that we face would exist. As you know, from my previous comments, I also want to raise the issue of the last—leaded fuel and transportation and that is leaded fuel in general aviation airlines. We have a situation where children are being poisoned by the lead in these fuels. We have a study out of my own county showing that the airborne particles from emissions in small planes have actually elevated the lead in the blood level of children near that airport to rival Flint, Michigan. We need to do something soon and aggressive about this health problem, and I'm hoping you can talk further about that as this hearing goes on.

With that, Mr. Chairman, I look forward to our witness' testimony and the opportunity to ask him further questions, and I yield back.

[The prepared statement of Ms. Lofgren follows:]

Thank you, Chairman Lucas. I'm so glad to be sitting next to you again today—on behalf of all Members and staff on this side of the aisle, we're wishing you continued success on your recovery. I also want to thank Administrator Regan for joining us so we can discuss the EPA's research and development work.

The EPA has a unique and important mission—to put human and environmental health at the center of everything they do. The Office of Research and Development serves a crucial role in this mission. This office drives the science that the regulatory offices depend on to ensure they're setting health-protective standards. It puts out state-of-the-art assessments that state, local, and tribal governments rely on to protect their residents. EPA laboratories across the country monitor air for pollutants, soil for contaminants like PFAS, and water to track viruses including COVID-19. All Americans depend on EPA to deliver on its clear mandate to prioritize health and safety above all else.

Under Administrator Regan's leadership, this EPA has made incredible efforts to bring this mission to environmental justice communities. These communities have been on the front lines of devastating pollution by industry and by the federal government itself. Some bear an incredibly high risk of cancer due to unfettered dumping by chemical companies.

Others worry that environmental contaminants and anemic government response will have an irreversible impact on their children's development. They have been neglected in programs that have prioritized clean water, energy efficiency, and climate resilience in other, better resourced areas. EPA's new Office of Environmental Justice and External Civil Rights is an important step in addressing these needs and connecting these communities with much-needed information and resources.

I am proud of the work we did last Congress to fund this effort. The *Inflation Reduction Act* provided \$41 billion to the agency to advance environmental justice. And the Bipartisan Infrastructure Law included \$50 billion to improve water infrastructure and quality. I look forward to hearing how Congress can continue to support this important work.

I would be remiss not to note the larger context of this meeting today. We are hurtling towards a government shutdown. Bitter infighting and political gamesmanship are taking priority over the functioning of our government—and by extension, the health and wellbeing of all Americans. Administrator Regan is a perfect witness to put this in perspective. This year, we've seen at least 23 weather- and climate-related disasters with losses exceeding one billion dollars. In the thick of hurricane season, how will EPA determine that it's safe to drink the water following the next devastating storm? EPA provides rapid response to manmade disasters, as well. What if there is another catastrophic train derailment, like we saw earlier this year in Ohio? EPA can't effectively respond and inform evacuation orders if their hands are tied by this manufactured crisis. I hope Administrator Regan's testimony today can inform the larger body of just one of many serious consequences of the games being played on the House floor.

Thank you again to Chairman Lucas for holding this hearing and to Administrator Regan for appearing. I yield back.

Mr. MILLER. Thank you to the Ranking Member.

And I'd now like to introduce the Chairman of the Full Committee, Mr. Lucas, for an opening statement.

Chairman LUCAS. Thank you, Mr. Chairman. And I know my opening—official opening statement has been entered in the record, but I would like to take just a moment to thank the Ranking Member and all the Subcommittee Chairmen who have handled the hearings while I've been gone, and for that matter, the Membership on both sides of the room.

This Committee is a very productive Committee, and we're very focused. Your ability to accomplish things in my absence I'm very appreciative of. And while I may move a little slower for a little bit longer, I have great expectations about what we're going to accomplish in the rest of this session. And again, thank you to all my colleagues. You've been wonderful. I yield back, Mr. Chairman.

Mr. MILLER. Thank you, Mr. Chairman.

I'd now like to recognize the gentlewoman from North Carolina, Ms. Ross, to introduce our witness.

Ms. ROSS. Thank you, Mr. Chairman. And again, it's wonderful to see Chairman Lucas back. We have missed him, and he has been such a great leader of this Committee.

It is a privilege to introduce my friend and fellow North Carolinian, Administrator Michael Regan. Administrator Regan's distinguished service at the North Carolina Department of Environmental Quality set a strong example for other States around the country, and now we're sharing him with the whole country. He's been a real champion in addressing PFAS contamination in particular. My North Carolina colleague, Congressman Rouzer, and I have seen the world-class water treatment facility on the Cape Fear River, and our State and local governments would not have gotten to this point without Administrator Regan's outstanding work in this area.

Now at the EPA, he and his staff are working tirelessly to tackle the PFAS contamination problem and many others. He recognizes that we have a duty at the Federal level to protect the health and safety of our people, our communities, and our environment in order to move this country forward.

Thank you for your leadership, Administrator Regan, and I look forward to hearing your testimony.

Thank you, Mr. Chairman, and I yield back.

Mr. MILLER. Thank you.

Administrator Regan, you are now recognized for five minutes to present your testimony.

**TESTIMONY OF THE HONORABLE MICHAEL S. REGAN,
ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY**

Mr. REGAN. Well, good morning everyone. And, Chairman Lucas, thank you for personally inviting me in April at the House Agriculture Committee to join you today. I'm glad to be here. Ranking Member Lofgren and Members of the Committee, I appreciate the opportunity to appear before you today to discuss the role of science at the Environmental Protection Agency. Protecting public health and the environment is EPA's privilege and greatest responsibility.

And as a science-based agency, sound and reliable science is central to all of our work.

EPA continues to uphold the Biden-Harris Administration's commitment to relying on science to address public health and environmental challenges like PFAS, the climate crisis, lead, air quality, water quality, wildfires, threats to children's health, and many others. As we do this important work, we're guided by the fundamental belief that the health of people, of our environment, and our economy go hand in hand. We have a golden opportunity not only to make communities healthier and safer, but to also deliver lifechanging programs in these communities that can catalyze local economic growth and good-paying jobs. And we're committed to scientific integrity to help us achieve our ambitious climate and economic goals.

Our dedicated and talented staff work on so many critical issues, and I'm looking forward to sharing some of our work with you today. Over the past two years, we've taken strides to ensure that all people have access to clean and safe drinking water. For far too long, communities across the United States have been exposed to harmful PFAS. That's why in October 2021, EPA released its PFAS strategic roadmap, a coordinated strategy to protect the public and environment from this deadly chemical compound.

As the science continues to develop, we know more now than ever about PFAS and how it can cause adverse health impacts that can devastate entire communities. Earlier this year, EPA proposed the first-ever legal limits for PFAS, informed by the hard work and analysis of EPA scientists. We expect to issue a final drinking water rule in the coming months.

And while science has helped us make significant progress, we still have a lot of work to do to increase our understanding of PFAS. Our scientists are focused on methods to detect and measure PFAS in our environment, on understanding the risks that PFAS have on our health and our ecosystems, and on ways we can reduce PFAS that are already in our environment. EPA will continue making progress by working in close collaboration with tribes, States, communities and other stakeholders, including Congress, to enact and implement PFAS solutions that follow the science and that stand the test of time.

Science isn't just about finding problems, it's about fixing them. That's why I'm grateful to Congress for providing \$10 billion from the *Bipartisan Infrastructure Law* to address emerging contaminants, which we have begun distributing. I'm hopeful and optimistic that EPA's science will lead to a cleaner and healthier future for all.

EPA is also using science to help address many of the issues wildfires present to our health and to our environment. Over the past 20 years, the numbers of acres burned annually due to wildfires in the United States has doubled. Wildfires are a major source of air pollution, and emissions can travel thousands of miles, impacting the health of millions. This past summer, we saw the smoke from wildfires in Canada bring dangerous air pollution to the Midwest and the East Coast, and last month, we saw how wildfires in Maui brought unimaginable loss to families, homes, and businesses. EPA's scientists are developing new ways to model

and monitor those emissions and are working to understand what additional toxins might be present in the smoke, particularly from wildfires that cross into urban areas and burn manmade structures.

Last, I'd like to speak about the work our agency has done involving lead exposure. The science is clear. There is no safe level of exposure to lead, period. EPA is and has been a leader in President Biden's whole-of-government approach to protecting families and children from lead exposure. To date, this Administration has funded the removal of over 100,000 lead service lines, and that number will significantly increase thanks to the *Bipartisan Infrastructure Law*. Our scientists will continue to research and develop new ways to reduce lead exposure until we meet President Biden's goal of replacing 100 percent of lead service lines.

EPA is committed to taking actions that are backed by sound, quality, and peer-reviewed science. From our actions to address and cleanup PFAS, to providing information that helps people during wildfires, to decisions that protect our Nation's drinking and recreational waters, science is the backbone of all we do at EPA. And while I'm proud of the foundation we've laid, there's still much more work to do to ensure that all of our children have safe, healthy places to live, learn, and play.

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

[The prepared statement of Mr. Regan follows:]

**Testimony of
Mr. Michael Regan
Administrator
U.S. Environmental Protection Agency (EPA)**

**Hearing on Science and Technology Activities at EPA
Before the
Committee on Science, Space, and Technology
U.S. House of Representatives
September 27, 2023**

Good morning, Chairman Lucas, Ranking Member Lofgren, and members of the Committee. I appreciate the opportunity to appear before you today to discuss the role of science at the Environmental Protection Agency.

Protecting public health and the environment is central to our work at EPA, and science is the backbone of sound environmental policy. As a science-based agency, the credibility of our decisions is based on the reliability of the science that informs our work. It is essential that the policies, decisions, guidance, and regulations that protect the lives of Americans are informed by rigorous and quality science. This includes science developed by other Federal agencies or university academics, often in collaboration with EPA. That is why EPA continues to act on President Biden's commitment to relying on science to address public health and environmental challenges like PFAS, lead, air quality, water quality, climate change, wildfires, children's health, and many others.

Scientific Integrity at EPA

EPA is committed to scientific integrity. We have taken steps to restore it at EPA, including implementing a robust training and outreach program. Our Scientific Integrity Policy applies to all EPA employees, including scientists, managers, political appointees, as well as contractors and grantees. EPA's Scientific Integrity Policy is regarded as one of the strongest in government, and we are making significant contributions to efforts that will continue to strengthen scientific integrity across the federal government.

Research Highlights

EPA's workforce includes exceptional scientists, researchers, and engineers who help provide the robust science that enables the Agency to take strong, science-based actions to protect public health and the environment. These professionals are leaders in their fields and are dedicated to providing the critical information that not only informs EPA actions, but also allows states, Tribes, and communities to make decisions that protect their air, water, land, and health. Our researchers work on so many important topics, and I look forward to sharing some of their work with you today.

PFAS

For far too long, communities across the United States have been exposed to harmful per- and polyfluoroalkyl substances (PFAS). That is why, in October 2021, EPA released its PFAS Strategic Roadmap – EPA's coordinated strategy to protect Americans from PFAS. Research is one of the three pillars of our PFAS Roadmap.

As the science has continued to develop, we know more now than ever about how certain PFAS build up in our bodies over long periods of time, and how they can cause adverse health impacts that can devastate families. At the same time, we still have a lot of work to do to

increase our understanding of PFAS. As part of the PFAS National Testing Strategy, we are leveraging our statutory authority under the Toxic Substances Control Act to require companies who make PFAS to conduct toxicity testing on those chemicals and to provide the information to EPA. In the Testing Strategy, we are employing a category-based approach – testing representative chemicals that will inform our understanding of hundreds of PFAS chemicals within the same structural category. EPA scientists are focusing on methods to detect and measure PFAS in our environment, on understanding the risks PFAS have on our health and our ecosystems, and on ways we can reduce PFAS that are already in our environment. Some of this work includes conducting research to identify where PFAS are coming from, how PFAS move through the environment, and the ways we are exposed to individual PFAS or mixtures of PFAS. Our scientists are developing robust toxicity assessments that can be used, along with other information, to assess risks and inform decisions. And our researchers are developing and testing ways to treat our water and methods to destroy PFAS. For example, our researchers developed the PFAS Thermal Treatment Database and the Drinking Water Treatability Database that utilities, government and local agencies, and others can use to inform decisions that protect the health of their communities.

EPA is working every day to translate this science into action through our cross-agency PFAS efforts. For example, we began distributing \$10 billion in funding to address emerging contaminants under the Bipartisan Infrastructure Law, which includes transformational investments in cleaning up PFAS and other emerging contaminants in water, especially in small or disadvantaged communities. EPA also recently proposed the first-ever national drinking water standards for six PFAS. This proposed rule is a major step protecting the public from PFAS pollution and the proposed rule utilizes the latest science and complements state efforts to limit

PFAS. Under the PFAS Roadmap, and informed by the hard work of EPA scientists, we are also conducting nationwide sampling for 29 PFAS in drinking water, developing Clean Water Act regulations to restrict PFAS discharges to waterways, and improving our understanding of categories of PFAS through EPA's National PFAS Testing Strategy – among many other actions. We will continue to be guided by the science as we maintain our momentum in the months ahead.

I am proud of the progress we have made to address PFAS pollution. And we will continue making progress by working in close collaboration with Tribes, states, communities, and other stakeholders, as well as Congress, to implement solutions that follow the science and stand the test of time.

Wildfires

We have seen some of the most devastating wildfires in recent history, and wildfires are increasing in frequency and severity – trends show that acreage burned in the U.S. has increased by about fourfold since the 80s. Recently, wildfires in Maui have brought about unimaginable loss of life, homes, and businesses. I am grateful to the over 130 first responders from EPA that have deployed to Hawai'i and are working closely with our federal, state, and local partners. Wildfires can be a major source of air pollution, and emissions can travel thousands of miles, affecting the health of millions. EPA is using science to help address many of the issues wildfires present to our health and to our environment.

Our scientists are developing new ways to model and monitor wildfire emissions. EPA and the U.S. Forest Service developed the AirNow Fire and Smoke Map, which you can also install as a mobile app, to give the public information on fire locations, smoke plumes, near real-time air quality and recommended actions to take to protect their health during wildfires – all in one

place. EPA scientists are also working to understand what additional toxics might be present in smoke, particularly from wildfires that cross into urban areas and burn man-made structures. And our scientists are also evaluating how filtration devices, such as facemasks and DIY air cleaners, can reduce smoke exposures during wildfires.

Wildfires can also degrade water quality, and EPA scientists are studying how lead and other metals can be released during infrastructure-destroying fires that cross into urban areas. They have found that after a wildfire, nutrients, metals, disinfection byproducts, and volatile organic compounds have exceeded primary drinking water standards under certain circumstances. This information can help inform communities and decision makers on what to test water for after a wildfire.

This is just a sample of all the work our researchers are doing to help address and understand the impacts of wildfires.

Climate Crisis

The climate crisis affects all Americans, and many impacts are projected to worsen, particularly for overburdened communities. Understanding and addressing climate change is critical to EPA's mission of protecting human health and the environment. To do this, we need the best science on the impacts of climate change and the actions that can be taken to avoid negative effects and build resilience. Our climate research is focused on providing the necessary information and tools needed by the Agency and stakeholders to ensure we can protect human health and the environment as the climate continues to change. EPA is coordinating with other agencies through the U.S. Global Change Research Program, and EPA has also recently established the Regional Climate Assistance Network to provide scientific support to regional, state, and Tribal partners for their place-based mitigation, adaptation, and resilience decisions.

EPA researchers are working with communities to improve their resilience, particularly resilience to wildfires, floods, and drought, and are studying the health effects of climate change, particularly for vulnerable populations. EPA researchers are identifying the health and environmental benefits of reducing greenhouse gas emissions, evaluating the benefits of the transition to a more sustainable energy system, and evaluating approaches that can help protect our environment in the face of a changing climate. For example, our researchers are studying how native seagrass can store carbon and increase coastal resilience to flooding, and are evaluating strategies, such as cold-water refuges, to help salmon return to their breeding grounds in the face of warming river waters.

Lead

Reducing lead exposure is one of EPA's highest priorities, and the Agency is a leader in the whole-of-government approach to protecting families and children from lead exposure. The science is clear – there is no safe level of exposure to lead, especially for children. Our researchers are also developing new ways to identify communities most at risk from lead exposure, which will help target lead risk mitigation efforts. For example, EPA scientists worked with the state of Michigan on a new approach to identify areas with a high prevalence of children's elevated blood lead levels – or lead “hot spots” – using blood lead data, census tract information, and information on housing and sociodemographics. This work is advancing the science of lead mapping so that communities can better target and prioritize actions to reduce lead exposure, and EPA is currently working with our partners to apply this approach to other communities. Additionally, EPA researchers are working to improve drinking water quality by developing innovative ways to treat drinking water and evaluate corrosion control treatments that can reduce lead leaching into water.

EPA continues to take actions that align with the Federal Action Plan to Reduce Childhood Lead Exposures and that support Congress the Biden-Harris Administration's historic investment to reduce lead exposure and EPA's strategy to address the significant disparities in lead exposure along racial, ethnic, and socioeconomic lines. This summer, EPA announced a proposal to strengthen requirements for the removal of lead-based paint in pre-1978 buildings and childcare facilities to better protect children and communities from the harmful effects of exposure to dust from lead paint. If finalized, this rule is estimated to reduce the lead exposures of approximately 250,000 to 500,000 children under age six per year.

Following the agency's review of the Lead and Copper Rule Revisions under Executive Order 13990, EPA concluded that there are significant opportunities to improve the Lead and Copper Rule Revisions to support the overarching goal of proactively removing lead service lines and more equitably protecting public health. EPA anticipates releasing the proposed Lead and Copper Rule Improvements later in 2023. Additionally, thanks the Bipartisan Infrastructure Law, as well as American Rescue Plan and other funding sources, we have billions of dollars to work toward achieving the President's vision of replacing every lead service line in America in the next decade.

Now, EPA is not just making funds available. We are also prioritizing technical assistance to states and communities and developing the science needed to take action. In addition to more than \$200 million invested so far, and \$500 million to be invested by 2024, in technical assistance efforts through Environmental Finance Centers in each EPA region supporting communities, Tribes, and territories in a wide range of project development and funding application needs, our Lead Service Line Accelerators program is working with states and communities to address existing barriers and accelerate lead service line identification and

replacement, and our researchers are leading efforts to develop better ways to identify lead service lines.

Conclusion

EPA is committed to science. And EPA is committed to taking actions that are backed by science. From our actions to address and clean up PFAS, to providing information that helps people during wildfires, to decisions that help protect our nation's drinking and recreational waters, science is the backbone of all that we do at EPA.

Thank you again for the opportunity to appear before you today. I look forward to our continued partnership to achieve our goals and welcome any questions you may have.

Administrator Michael S. Regan

Michael S. Regan was sworn in as the 16th Administrator of the United States Environmental Protection Agency on March 11, 2021, becoming the first Black man and second person of color to lead the U.S. EPA.

Administrator Regan is a native of Goldsboro, North Carolina, where he developed a passion for the environment while hunting and fishing with his father and grandfather, and exploring the vast lands, waters, and inner Coastal Plain of North Carolina.

As the son of two public servants - his mother, a nurse for nearly 30 years, and his father, a retired Colonel with the North Carolina National Guard, Vietnam veteran, and former agricultural extension agent - Michael Regan went on to follow in his parents' footsteps and pursue a life of public service.

Prior to his nomination as EPA Administrator, Michael Regan served as the Secretary of the North Carolina Department of Environmental Quality (DEQ).

As Secretary, he spearheaded the development and implementation of North Carolina's seminal plan to address climate change and transition the state to a clean energy economy. Under his leadership, he secured the largest coal ash clean-up in United States history. He led complex negotiations regarding the clean-up of the Cape Fear River, which had been contaminated for years by the toxic chemicals per- and polyfluoroalkyl substance (PFAS). In addition, he established North Carolina's first-of-its-kind Environmental Justice and Equity Advisory board to better align social inequities, environmental protection, and community empowerment.

Previously, Administrator Regan served as Associate Vice President of U.S. Climate and Energy, and as Southeast Regional Director of the Environmental Defense Fund where he convened energy companies, business leaders, environmental and industry groups, and elected officials across the country to achieve pragmatic solutions to the climate crisis.

He began his career with the U.S. Environmental Protection Agency, eventually becoming a national program manager responsible for designing strategic solutions with industry and corporate stakeholders to reduce air pollution, improve energy efficiency and address climate change.

Throughout his career, he has been guided by a belief in forming consensus, fostering an open dialogue rooted in respect for science and the law, and an understanding that environmental protection and economic prosperity go hand in hand.

Administrator Regan is a graduate of the North Carolina Agricultural & Technical State University, making him the first EPA Administrator to have graduated from a Historically Black College and University. He earned a master's degree in Public Administration from The George Washington University.

He and his wife Melvina are proud parents to their son, Matthew.



Mr. MILLER. I thank the Administrator for his testimony, and thank you again, sir.

The Chair recognizes himself for five minutes.

Chemistry companies in Ohio generate roughly around \$3.5 billion in earnings and \$1.3 billion in taxes and exports from the production plants exceed \$6.5 billion. That's why I'm concerned by the EPA's proposed updates to the new chemicals regulation under the *Toxic Substance Control Act*, known as *TSCA*, particularly as it relates to PFAS and the manufacturing of semiconductors. The Semiconductor Industry Association went as far as saying this proposed action would have a devastating effect on U.S. competitiveness and would result in the semiconductor industry being unable to manufacture devices in the United States. Administrator Regan, has EPA measured the economic consequences of these actions, and has the EPA sought input from the Department of Commerce, which is investing \$50 billion in U.S. semiconductors that your agency might completely shut down?

Mr. REGAN. Well, first, I'd like to say that, during my time as State regulator, I've spent time with families, the mothers and children that have been poisoned by PFAS. I've seen it firsthand. That being said, I brought that experience to EPA. I believe we're developing very responsible regulations. Yes, I've met with the leadership of the National Association of Manufacturers. I've met with the American Chemistry Council. I've met with CEOs (Chief Executive Officers) from industry. There is a way that we can do this where we protect the environment and people and economic development. They're not mutually exclusive. So I've been in these conversations as late as last week with industry leaders and green CEOs, and I think there's a path forward, again, where we don't have to compromise global competitiveness while we protect our families and our communities.

Mr. MILLER. And thank you for that answer, but have you been working with the Department of Commerce at all or sought any input from them in general, or—

Mr. REGAN. We have. Yes, I think the President pledged from day one that approaching PFAS will be a whole-of-government approach. So not only the Department of Commerce, I've sat down and had conversations with the Secretary of Defense and the Secretary of Agriculture. EPA is not doing any of this work in a vacuum because we understand the impact that it has on our society.

Mr. MILLER. Communication is key, I agree.

Mr. REGAN. Yes.

Mr. MILLER. In March, I wrote to you, along with several of my colleagues, requesting information on the process and procedures that the EPA has taken in cleanup efforts for the East Palestine train derailment in my home State of Ohio, but just a week or so ago, interagency communications obtained by a *FOIA (Freedom of Information Act)* showed that several chemical and environmental monitoring experts were not part of the disaster response until a full month after the derailment. Even more alarming, two of EPA's own scientists discussed their concern regarding the lack of testing for dioxins, a highly toxic chemical. Even the former Director of the National Toxicology Program said of EPA's response, "Lots of thinking went on!" Exclamation point.

So, Administrator Regan, are there actions EPA is taking to remedy this delayed response specifically related to dioxin sampling and instill public trust in its scientific findings.

Mr. REGAN. Well, first I'd like to say that EPA was onsite within hours of the derailment, and we're still there. We've been working hard around the clock. I think what we've done in terms of having our conversations both internally and externally is looking at the appropriate response to what the science determines. Now, we never believed that dioxin was present, but because the community was alarmed and because so many people asked for that, we decided to institute additional testing for dioxin, which we did not find. But we wanted to do that not only to alleviate the concerns of those in the community, but as we exported the waste to other waste facilities across the country, they had those questions as well. My decision was we need to do the testing, do it very quickly because we don't need any interruption in the cleanup and the export of that waste. I stand by the science, and I believe we have done exactly what we need to do to protect that community.

Mr. MILLER. Thank you, Administrator. As major criticism of EPA's response has been the Agency's deference to the railroad company and giving so much authority to them in conducting sampling and crafting the protocols to do so, in response to our letter, EPA said there are no plans for the Agency to perform long-term studies and that other organizations will undertake such efforts. Given this criticism, does EPA still stand by that plan? If so, what steps would you take to verify the accuracy of these studies and protect the citizens of Ohio?

Mr. REGAN. Well, I think I said it fairly simple from day one. We were going to hold the perpetrator accountable. And Norfolk Southern, just like any other perpetrator, is on the hook to foot the bill and do the work with the appropriate oversight from EPA.

Listen, we've been overseeing the cleanup work from day one. Norfolk Southern has done everything to date that we've asked for. And I think you saw from the President's Executive order last week, there are other agencies involved. We will continue to sample. We will continue to monitor. We will continue to stay there with the people of East Palestine. But there are also other agencies that have been brought in to do longer-term studies and looking into some of the things that go along with a very serious disaster like this one.

Mr. MILLER. Thank you, Administrator. And the one thing I'll say, and I'll wrap up—and if you could just do me a favor, and I really do mean it. If you could talk to the President and get him to come to East Palestine. You know, he said that he would. We would like him to come, and it really would mean a lot to the people there. Regardless of political affiliation, I think it would really mean a lot for everything that they've gone through.

I yield back.

I now recognize the Ranking Member Lofgren for five minutes of questioning.

Ms. LOFGREN. Thank you, Mr. Chairman.

Administrator Regan, I want to ask you a question first about the subject I referenced in my opening statement, and it's something I've been dealing with for quite some time. Leaded fuels are

the primary fuel for piston engine aircraft. I mean, jets don't use, commercial airlines don't use leaded fuel. It's just the piston engine small aircraft, which comprise really the bulk of the general aviation sector.

Now, the Centers for Disease Control and Prevention, CDC, has concluded based on scientific studies that there is no known safe level of lead in the blood. What this means is that residents near general aviation airports live with lead exposure in the air and ground every day. Now, as I mentioned, there is a small airport in the district I represent Reid-Hillview airport. The County of Santa Clara commissioned a scientific study and found that the blood levels of children in the neighborhood surrounding the airport had blood—had lead levels that were rivaling that in Flint, Michigan. And so it's very important that we get the lead out of this last part of transportation and protect the children of this country.

Congress instructed the FAA (Federal Aviation Administration) to come up with an alternative to leaded avgas, but they haven't been able to get the job done. More recently, various groups have petitioned the EPA to finalize their endangerment finding related to leaded avgas. Now, I'm hopeful that the finding will force the FAA and industry to come up with a plan to stop poisoning children with leaded fuels. Can you provide us with an update as to where this effort stands?

Mr. REGAN. Well, Congresswoman, first of all I would agree with you that there is absolutely no acceptable level of lead for any of us, but especially our children. So EPA has been very active in this area, working very hard following the science, following the process for a lead endangerment finding in this area. We're making significant progress, and we believe that we'll have that endangerment finding wrapped up, I believe, this fall. So that process is moving along in a very scientific and orderly way.

Ms. LOFGREN. So we—we're in the fall. We could expect this quite soon?

Mr. REGAN. Yes, yes. It will be done this fall, maybe late fall, but this fall. And I don't want to prejudge or predetermine the outcome, but what I want to tell you is we've been very methodical and disciplined on making this determination.

Ms. LOFGREN. Thank you very much. I just want to touch on another matter. As you know, I'm sure as everyone in America knows, the House majority has us on the brink of going into what I think is a very irresponsible government shutdown. I don't think that Speaker McCarthy seems to have a plan to keep the government open, and I think that's going to cause real harm to the country and real harm to our constituents. I'm really concerned about the efforts and effects of a shutdown on the EPA. Could you describe the effects of a shutdown on the EPA's work?

Mr. REGAN. Well, I'm gravely concerned as well. You know, I think the EPA has a mission to protect public health and the environment. And while we do have some good systems in place, there is a trust-but-verify method to that. All of our inspections of our hazardous waste facilities, our superfund facilities, those inspections will be suspended. The inspections of our water quality, our drinking water, those inspections will be suspended. I think you all were very thoughtful in some congressionally directed projects that

will help your districts. That work will be suspended. You know, the emergency personnel and those essential personnel will be there to handle emergencies, but a lot of essential work will begin to slow down. By the way, when we think about pesticides and herbicides and our toxic reviews to get new chemicals in the market so that our farmers are not guessing, that work slows down. So I have grave concerns about a potential shutdown.

Ms. LOFGREN. Thank you, Administrator, for your testimony, for answering my questions, for being here today, and I yield back the balance of my time.

Mr. REGAN. Thank you.

Mr. MILLER. Thank you to the Ranking Member.

I now recognize the Chairman, Mr. Lucas.

Chairman LUCAS. Thank you, Mr. Chairman.

And, Administrator Regan, thank you for accepting the invitation to come testify before the Science Committee. We had a good discussion that day, the Committee did, on both sides of the room in the Ag Committee, and clearly the issues that we both addressed, this Committee and you and your agency are so intertwined it's important you be here.

But let me ask about an issue that's near and dear to my heart. The EPA is expected to shortly finalize its methane proposal, which includes the Super Emitter Response Program, allowing private entities, including, I fear, nontrained, nongovernmental officials to report super emitter events and require follow up action without any agency involvement or data verification. And equally alarming to me, the proposed rule as it appears to be headed our way would establish two technology standards, a less stringent one for the nontrained third parties and a more stringent one for the industry.

So I ask this. Why is the proposed rule so prescriptive in the technologies industry is allowing to use to detect emissions but has a much lower standard for environmental activists? Will the EPA maintain a list of false reports and set up prohibitions on repeat offenders? You see where my concern is coming from?

Mr. REGAN. I do. I do. And I appreciate the question. And let me just say we have received over 500,000 comments on that proposed rule. I've personally spent time—

Chairman LUCAS. That says something when you get that many comments.

Mr. REGAN. I've personally spent time with a number of industry CEOs talking about these very issues. What I can say is we take the comment period very seriously. We're looking at how to strengthen all of the issues you've raised so that that final rule will acceptably address all of these issues.

Let me just say that we do not want any adverse impacts or unintentional consequences to receiving any kind of false data or any kind of data that jeopardizes the scientific integrity that we have built into this program. So we are looking at every single issue raised, and I can guarantee you that we're responding in kind.

Chairman LUCAS. Because we don't want to create a system that would appear to the outside world to be hiring bounty hunters who have a lot more flexibility than those who are being pursued, so to speak, right or wrong, and I appreciate that.

This same methane rule proposal calls for new compliance requirements at facilities within two months of the rule being finalized. A number of industry groups had flagged that supply chain constraints for a range of equipment are certain to cause a delay in meeting that short deadline. And at the same time, I'm aware of only one application to the EPA from a company seeking to use new technology in detecting leaks at oil and natural gas facilities.

So, Administrator Regan, given the current state of supply chains and the lack of innovative technologies approved to lighten the burden, will EPA consider pushing the deadline for complying with the Agency's forthcoming methane rules—get a little more flexibility?

Mr. REGAN. We're giving a lot of thought to compliance flexibility and compliance deadlines. And again, just last week, week before last, I sat down with some industry CEOs to talk about this very issue and how we balance the potential impacts to the supply chain. So yes, we are having these discussions. I want to just continually say that a proposal is just that. It's meant to spark a lot of good conversation, and quite frankly, I'm really proud of the conversations we've had with API (American Petroleum Institute), with Hess, with Exxon, with BP, and others about how we think about these very complex issues. We all believe that there's a technical solution. The question is how quickly can we get there? And I think we're having some positive conversations about that.

Chairman LUCAS. As you well know, where I live in Oklahoma is a traditional oil and gas but primarily natural gas area. And methane is money. And the way the equipment, the way the transmission systems, the way the processing handled—is handled has changed dramatically in the last 40 years because to lose methane, you're losing money—

Mr. REGAN. Yes.

Chairman LUCAS [continuing]. And they understand that. Well, Mr. Administrator, I appreciate that, and we will keep a very close eye as these rules work their way through the process, but again, thank you for coming. And I suspect that over the course of the coming months and years, there'll be a number of opportunities where we will invite you back to discuss our common focus on science and the effective use of it.

With that, Mr. Chairman, thank you, Mr. Administrator. I yield back.

Mr. REGAN. Thank you.

Mr. MILLER. Thank you, Mr. Chairman.

I now recognize Ms. Bonamici for five minutes.

Ms. BONAMICI. Thank you, Mr. Chairman.

Welcome back, Chairman Lucas.

And, Administrator Regan, thank you for joining us today. I want to start by aligning myself with Representative—Ranking Member Lofgren. As the Representative for Hillsboro Oregon airport, I want to emphasize, again, the importance of addressing lead pollution.

Mr. Administrator, protecting public health and the environment, which is the EPA mission, requires strengthening—not cutting—programs that are proven to work. And thank you, Administrator,

for your commitment that the work of the EPA will be informed by rigorous and quality science.

The climate crisis is causing more dangerous air quality, as we recently experienced from the dense smoke caused by the Canadian wildfires. We experienced wildfire disasters in Oregon as well. In 2021, the transportation sector contributed nearly 1/3 of greenhouse gas (GHG) emissions in the United States, which amplifies climate events and disproportionately affects vulnerable communities. There are effective solutions to decarbonize the transit and transportation sectors. For example, in northwest Oregon, the Beaverton Oregon School District is investing in quieter and healthier electric school buses. Portland has an electric fire truck, which I got to ride on, and Daimler Trucks is leading the way to electrify the commercial freight trucking industry. But in light of record high temperatures, we need to scale up and expedite this work.

So, Administrator Regan, needless to say, I'm very concerned about the majority's budget proposal that would cut funding for the EPA's science and technology account by 42 percent and zero out funding for the Agency's vehicle electrification efforts. So how would these cuts affect EPA's research and development of emission-reducing technologies?

Mr. REGAN. Well, thank you for that question. And listen, it would significantly hamper progress. I think that in prioritizing people first, we know that these emissions from vehicles are very harmful for public health and human health, especially when we think about our children, our most precious cargo that ride to and from school each day, breathe in those diesel fumes. And then we think about what you just talked about, which is exacerbating the climate crisis.

I'd like to say that the technologies in the markets are driving this electrification, and so what we're trying to do is propose regulations that can really capture that while also thinking about fuels, advanced biofuels and others, that really contribute to the whole low carbon technology transition that we want to see that advances our economy, combats the climate crisis, and really does, you know, protect public health. We can't do that without the proper budget. We need the people. We need the scientific rigor. We need the technical analysis, and we need the economic analysis to go with these efforts.

Ms. BONAMICI. Absolutely agree with you. Now is not the time to be cutting the EPA budget.

Administrator Regan, the Supreme Court's decision in *Sackett v. EPA* narrowed the definition of Waters of the United States (WOTUS), which limited the EPA's scope of authority to regulate under the *Clean Water Act*. So in light of that opinion, how is the EPA working to protect clean water? And how might these efforts be made more difficult by a potential government shutdown?

Mr. REGAN. Well, you know, listen, I've pledged from day one to follow the science and follow the law, and the Supreme Court spoke, and we immediately sprang into action to address the prescription that they gave to us. With that, we're having to look at our—all of our programs to be sure that we're leveraging all of our resources and our statutory authorities to protect water quality, our drinking water, our wetlands, and our pocosins. We have to do

this. It's good for the ecosystem, but as you all know, our wetlands and pocosins serve as natural filters for some of these emergent compounds as well. So we're going to use all of our authorities to do so while complying with the law. A government shutdown just hampers our ability to effectively engage especially with our rural communities who are dealing with these emerging contaminant issues. We want people to have confidence in their drinking water, and if we're not at work, we can't do that.

Ms. BONAMICI. Thank you, Mr. Administrator. And just as a reminder, many of our key environmental laws passed with very strong bipartisan support, and many were signed into law by then-President Nixon, so this should not be a partisan issue. Clean air and clean water are critical to our—the people of the United States, but also to our planet.

And as I yield back, I want to note that in your testimony, Administrator Regan, you've mentioned that your researchers are studying how native seagrass can store carbon and increase coastal resilience to flooding. As the co-Chair of the bipartisan Oceans Caucus, I am leading the effort on a bipartisan blue carbon bill, which will do just that, plus create jobs in coastal and rural communities. So I'm hoping that we can move that bill forward soon, and I look forward to talking about that in the Committee and with the EPA. It's a great opportunity to use the seagrasses, kelp, mangroves as a carbon sink, but also restore habitat at the same time. So—and I yield back. Thank you, Mr. Chairman.

Mr. MILLER. I now recognize Mr. Posey for five minutes of questions.

Mr. POSEY. Thank you, Mr. Chairman.

And good to see you, Administrator Regan.

Mr. REGAN. Yes, good to see you.

Mr. POSEY. Last month, a company in my district that makes outboard motors for its main customer, the U.S. Navy SEALs, was raided by armed agents of the EPA. And I tried to get together and talk to you about this, but your office said it was enforcement-sensitive, so I wasn't able to do that. Since this case involves the use of national security exemptions, I just wonder how the EPA dealt with requests seeking regulatory clarity involving national security exemptions.

Mr. REGAN. Well, thank you for that question, and sorry we couldn't get together. I do have some limitations in terms of that specific case because of the Office of Inspector General's (OIG's) investigation and EPA's. But what I would say is the *Clean Air Act* gives us flexibility to look at *Clean Air Act* flexibilities for vehicles as it relates to national security interests. So I'd love for our staffs to get together to think about whether or not this specific case outside of the investigation fits into a future discussion with the *Clean Air Act* flexibility.

Mr. POSEY. Thank you. Do you think it might be possible to expand the exemption to first responders like fire, emergency medical services, law enforcement, and et cetera?

Mr. REGAN. You know, our folks have had some conversations with those entities, along with the manufacturers. I have not really seen the need for that flexibility. I think most of our flexibilities are reserved for national security interests, but we're open to those

discussions, and so I'd love to get our staffs together to talk about that.

Mr. POSEY. This Committee has come to learn that the EPA has spent \$10 million on advanced combat equipment for enforcement operations. Could you briefly explain why we need advanced combat equipment in the Environmental Protection Agency?

Mr. REGAN. You know, I'm not quite familiar with that piece there, so I'll have to get back on—get back to you on that piece there.

Mr. POSEY. OK. I had some more questions about that issue, but I'll respect that and we'll get back together on it.

Mr. REGAN. Absolutely.

Mr. POSEY. Switching subjects, EPA's Inspector General (IG) sent a memo to the Agency in April identifying that grant recipients were not required to disclose foreign support after receiving a grant. This means that an EPA grant recipient could receive both Federal funding and foreign support during a grant's period of performance. It also means a country like China could influence the environmental findings that the EPA uses. And so I just wonder if you're familiar with this memo. It's from the EPA, and inquiring about what steps the Agency might take to ensure full transparency from grant recipients since receiving the memo.

And I ask unanimous consent to enter this memo into the record. It's dated April 13, 2020. And it's "Management Implication Report: Disclosure of Foreign Support for EPA Research and Grants."

Mr. MILLER. Into the record.

Mr. POSEY. Thank you.

Mr. REGAN. I'm not quite sure if I know specifically what's in that memo. I can tell you that we have taken a number of steps to strengthen our research grants disclosure requirements consistent with the *NDAA of 2021*. We've also responded to concerns raised by our Office of Inspector General, and we've updated the terms and conditions of our research grants to ensure that grantees provide disclosures about sources of funding both before they get the grants and on an ongoing basis once they receive those grants. So we have responded to the IG's suggestions there.

Mr. POSEY. Exactly. That's what I wanted to hear. Thank you, Mr. Chairman. I yield the balance of my time.

Mr. REGAN. Thank you.

Mr. MILLER. Thank you.

I now recognize Ms. Stevens for five minutes of questions.

Ms. STEVENS. Thank you, Mr. Chair.

And good morning, Mr. Administrator. I wanted to give you some accolades because you are the right person at the right time leading your agency. We have so appreciated your dedication to issues important to us in Michigan. I'll never forget being with you on Belle Isle after we passed the infrastructure law, celebrating the cleanup money that has been dedicated to the Great Lakes. So thank you for your time in Michigan and for your great leadership of the Agency.

As you probably know, the United Nations estimates that the equivalent of 2,000 garbage trucks of plastic is dumped into the world's oceans, rivers, and lakes every single day, and addressing plastic pollution and improving recycling infrastructure is just ab-

solutely essential. And I have long been a supporter of this work. In my very first year in Congress as the Chair of the Research and Technology Subcommittee on this very Committee, we convened the first-ever Committee hearing on recycling in about a decade, and we called on the EPA to create a national strategy for recycling. And I was pleased to see the EPA released its national strategy for recycling in 2021, and then we went on to found the congressional Plastic Solutions Task Force.

So I wanted to ask you, Mr. Administrator, could you provide an update on the national strategy to prevent plastic pollution and how this strategy will support the EPA's work in reducing plastic pollution writ large?

Mr. REGAN. Absolutely, but first, I want to say thank you for your leadership in this area. As I've traveled the country, I've been to probably more than 35 States and over 10 countries. The No. 1—the No. 2 issue young people talk to me about are plastics and recycling. And so in April, we released our draft national strategy for reducing plastic pollution. We released that for comment. We have received over 100,000 comments that we're combing through right now. So we plan to do our due diligence, follow science, follow the data, and come up with a very strong strategy.

And then, you know, I'm really excited that, thanks to the *Bipartisan Infrastructure Law* and thanks to Congress, we've recently distributed over \$275 million in just solid waste infrastructure for recycling grants to help State and local governments with this very issue. So we're on the job, we recognize how important it is, and we're paying attention.

Ms. STEVENS. Yes, and we salute your agency for the grants work and look toward the future of infrastructure work that we're doing in the Congress to support recycling infrastructure. It seems like we are learning new things on just an almost everyday basis as it pertains to plastic waste and recycling opportunities.

Something else, Mr. Administrator, I wanted to ask you is that the EPA is conducting just vital research across the board, but particularly with water aquatic life sediments and the air of the Great Lakes. And the EPA's research vessel *Lake Guardian* is the largest research vessel in the EPA fleet and the largest on the Great Lakes, and having this critical asset functionable and mission-ready is vital to the safety of our Nation's Great Lakes. So I just wanted to give you a minute to provide any updates on the vital work the research vessel *Lake Guardian* is doing in the Great Lakes and why this is important to the future of these lakes, and then anything that you could maybe add around cuts to EPA and the work of this vessel for the health safety of our Great Lakes.

Mr. REGAN. Well, I think this is a vessel that we're extremely proud of. Most people think that it's just purely ecosystems research. We know that the impacts and effects of climate change are changing the physical structure of our Great Lakes. The Great Lakes provide drinking water to millions of people, and so this vessel is critical for scientific research in terms of ecological balance, but also preserving the security for drinking water for so many millions of people. We're proud of the work that that vessel is doing. Cuts in this area are at a significant cost to the people that rely on the Great Lakes for recreation and for sustenance, and so we

are continuing to advocate for those research dollars because science will drive the way to a lot of solutions that provide a lot of economic opportunity as well.

Ms. STEVENS. Yes, and the monitoring remains so critical for us. You know, we've seen from times of austerity in the past that cuts to personnel have, you know, just greatly damaged, I think, some of the work that my constituents rely on to maintain the health and safety of our Great Lakes.

And with that, Mr. Chair, I'm going to yield back. Thank you.

Mr. MILLER. Thank you.

I now recognize Mr. Babin for five minutes of questions.

Mr. BABIN. Thank you, Mr. Chairman.

And, Mr. Administrator, thank you for showing up and talking to us and answering questions.

The EPA has proposed multiple rules for regulating greenhouse gas, GHG, emissions from the power sector, which I'll refer to collectively as the proposed 111 rule. This rule aims to cut the power sector's greenhouse gas pollution 80 percent by 2030. But in reality, according to some stated by utility providers themselves, this rule will only serve to cost hundreds of billions of dollars, significantly raise customers' power bills, and require a rapid transition away from reliable American-produced natural gas without a realistic plan to fully replace that generation.

But what I really want to focus on, Mr. Administrator, is my feeling that this rule is based on politics rather than science. In fact, one article quoted six people who said the White House sent the EPA's original proposal back to your agency and requested that it add more stringent requirements. So several questions. Did the EPA original proposal include regulations on existing gas plants only? Yes or no?

Mr. REGAN. So I think what we've done is we've had a back-and-forth, an interaction with experts in the White House on the construct of that rule. I think collectively we agreed that the proposed rule should include existing resources or existing production.

Mr. BABIN. Right, but it seems to have devolved away from just existing. Did the White House ask your agency to change the proposal to include existing gas plants in addition to the future plants?

Mr. REGAN. I think we had a robust conversation internally at the EPA and the White House. So the rule that came out of EPA is a rule that is really grounded in our technological rigor and sound science, and I think we're proud of the rule that we proposed and we're taking comment on that.

Mr. BABIN. I understand but thinks—it's—what's happened since the rule was proposed is different. Did the White House request that the proposal require coal plants to curb emissions 90 percent by 2035 or to retire? Yes or no?

Mr. REGAN. Listen, our rule is a reflection of—

Mr. BABIN. All right.

Mr. REGAN [continuing]. EPA's staff analysis.

Mr. BABIN. OK.

Mr. REGAN. We've had conversations with the White House. But I just want to really sort of push back on the premise of that ques-

tion because it sends a signal that the White House is dictating the rules that EPA proposed, and that's just——

Mr. BABIN. It does send that signal, and that's why——

Mr. REGAN. And that's just not the——

Mr. BABIN [continuing]. I'm asking these questions.

Mr. REGAN. That's just not the case.

Mr. BABIN. Yes, sir. Broadly speaking, please confirm or deny that the White House did have some level of input on the proposed 111 rule?

Mr. REGAN. Oh, absolutely. We have conversations with the White House on all of our rules.

Mr. BABIN. Thank you. How many staff scientists are employed by the White House Office of Climate Policy? You know?

Mr. REGAN. You know, that question would have to be directed to the White House. I'm not sure.

Mr. BABIN. OK. How many scientists does the EPA employ?

Mr. REGAN. I can get you that that answer.

Mr. BABIN. Many——

Mr. REGAN. I'm not quite sure——

Mr. BABIN. Many scientists, right?

Mr. REGAN [continuing]. How many exact scientists.

Mr. BABIN. OK.

Mr. REGAN. I want to be exact.

Mr. BABIN. Do you believe that EPA employees who are scientists are some of the best minds in their field and knowledgeable in the most up-to-date science?

Mr. REGAN. Listen, I absolutely agree with that.

Mr. BABIN. All right. Yes, sir. You can probably see where I'm going with this. Can you explain why EPA scientists are being overruled by political appointees? And even if that's not the case, or you say so, don't you think that the very fact that political appointees get to set the targets and then the scientists have to crunch the numbers to make it happen and make it get there, that would make for a skeptical public of this proposed rule? And wouldn't you agree that the significant public distrust in the EPA is a massive problem to that agenda?

Mr. REGAN. Well, I'd have to answer that question as a top political appointee and say that I listen to my scientists, and I think my scientists would corroborate that. And so that rule reflects what I think is really hard, technical rigor. But let me just say, I've met in the past two to three weeks with industry CEOs on a lot of these issues, and we're receiving a lot of feedback. I think that the final rule will reflect the thinking of our scientists plus industry scientists in how we land this final rule.

Mr. BABIN. Well, thank you very much. It looks like—well, I've still got a little bit more time. The—do you think your—these six individuals that were—I believe came out of the EPA that spoke with this group and gave us this information, were those six individual scientists? Because I'm under the understanding that they were.

Mr. REGAN. I'm not quite sure——

Mr. BABIN. They have concerns.

Mr. REGAN [continuing]. Of who the six individuals are you're referring to.

Mr. BABIN. OK. All right. Well, thank you. And I'll yield back then.

Mr. MILLER. Thank you. The Chair now recognizes Mr. Bowman for five minutes of questioning.

Mr. BOWMAN. Thank you, Mr. Chairman, and thank you so much, Mr. Administrator, for being here today and for your exemplary leadership in protecting our environment and our communities.

I'd like to ask you about the Environmental Justice Thriving Communities Technical Assistance Centers, or TCTACs, which you have played a key role in funding and selecting. These 16 centers are going to be instrumental in helping vulnerable communities take advantage of climate, infrastructure, and R&D funding. They're going to be crucial for making justice fully a reality.

How has the EPA helped the TCTACs to get off the ground? And how do you plan to stay involved in the process to make sure they are a success? Will EPA's Regional Administrators help coordinate between the TCTACs, State and local governments, and communities applying for funding?

Mr. REGAN. Well, thank you for that question, and we're really proud of these Technical Assistance Centers because it demonstrates that the solutions aren't top down. The Federal Government shouldn't dictate all of the solutions, that these solutions come from our communities, and so we're providing technical assistance, as you've stated, using 17 centers all across the country. Each of these centers have been awarded approximately \$10 million. They have connected with local universities. They've connected with local NGOs (non-governmental organizations) and people who can provide the technical assistance to those who are on the frontlines and working in these communities.

To your point, yes, our Regional Administrators will be involved, but so will our new National Office of Environmental Justice and External Civil Rights, who serves as the facilitator for all the work that we do to ensure that environmental justice and equity is central to every single thing we do.

Mr. BOWMAN. Thank you so much for that answer. I'd also like to ask about how our K-12 public school system fits into your vision and plan for *IRA* implementation. And I also asked Secretary Granholm about this when she joined us a couple of weeks ago. So public schools, as you know, are the heartbeats of our communities. Our next generation of STEM (science, technology, engineering, and mathematics) and STEAM (science, technology, engineering, arts, and mathematics) visionaries are public school students, and as you know, too many schools are struggling right now with toxic pollution, crumbling infrastructure, inefficient energy systems, and the impacts of extreme weather driven by climate change. In many cases, these issues have to be addressed holistically. Can you please talk to us about what is happening at EPA and in coordination with DOE (Department of Energy) and other agencies to help public schools take full advantage of all relevant funding opportunities?

Mr. REGAN. Absolutely. The first thing I'd say is DOE is a very strong partner in these TCTACs, and the purpose of these TCTACs is to ensure that all of these communities and our State and local

governments understand the full breadth of resources available to reduce pollution and climate pollution. And so we're excited about that in terms of our partnership with DOE and other agencies.

The *Inflation Reduction Act* creates billions of dollars for our State and local governments to apply for pollution reduction grants, which we're excited to say that our cities and our localities and our schools should be able to participate in that process. The thing that I'm most proud of is how many school districts across this country are applying for the electric school bus and low carbon school bus grants. This is really revolutionizing how our children get to school and reducing those burdens that so many of them face, especially having asthma attacks and respiratory distress before they can even get into the classroom at 8 a.m. So we're excited about that, really excited about that.

Mr. BOWMAN. Thank you so much for that. One final question. Can you give us a status update on Justice40 implementation from EPA's perspective? What do you see as some successes so far, and what are some challenges so far?

Mr. REGAN. Listen, I've said this before and I'll say it again, you know, Justice40 is the floor for us. I believe that we have designed a programming process at EPA to ensure that the most vulnerable are the first in line. Whether you're in Appalachia, West Virginia, or the black belt of Alabama, there are communities that have been on the receiving end disproportionately. And so in many of our programs, we have not only met but exceeded Justice40. When I think about resources coming from our superfund program, our brownfields program, when I think about programs where we distribute our water quality resources, we're ensuring that the communities that have not had a seat at the table, have a seat at the table and get some of those protections. By the way, many of our rural communities all across the country fit into that very category.

Mr. BOWMAN. Thank you so much, and again, thank you for your exemplary leadership.

I yield back, Mr. Chairman.

Mr. REGAN. Thank you.

Mr. MILLER. Thank you. I now recognize Mr. Baird for five minutes of questioning.

Mr. BAIRD. Thank you, Mr. Chairman.

And we really appreciate you being here today to—anyway, the question I have really goes on—with what Congressman Babin was talking about, the section 111 proposed rule. And it mentioned—specifically, this proposed rule indicates that carbon capture is a technology that can be used to comply with this rule. So carbon capture projects in many States and regions require the EPA to issue class 6 wells for the injection of carbon. So my question is how many class 6 well permits has EPA issued this year?

Mr. REGAN. I'll have to get you the specific number of this year. I know that the most recent, we're on track for looking at how West Virginia and Louisiana can participate in our Class VI program. And it's my understanding that Texas has just recently in August made a Class VI well application. So I will say this, that the President has pledged that carbon capture technologies will be a part of how we move forward. The Class VI well program is aligned with

that, and there's a commitment at EPA to get these Class VI well permits out.

Mr. BAIRD. And along that same line then, do you anticipate more being in the pipeline and—as we move forward?

Mr. REGAN. I do. I anticipate that we've really figured out some program efficiencies, especially as we've worked with Louisiana and as we work with West Virginia. We've identified a number of efficiencies and are prepared to move forward as expeditiously as possible because we see this as part of the solution, not everywhere, but in some places around the country.

Mr. BAIRD. All right. And I think you make a good point in that in trying to—so how's—because it helps answer the situation, how can utilities really make plans if they don't have—and it requires these class 6 permits? So I guess I'm just making a comment for—in order for them to move forward, we need to be moving forward with those class 6 permits.

So now another area I'd like to go into, you know, my colleague from Ohio, Mr. Miller, brought to your attention, discussed the EPA's handling of the East Palestine train derailment in February. And without a doubt, I hold the highest assurance for Heritage's ability in my area to handle the contaminated material. However, I felt the process was somewhat disorganized as it was laid out and as—my constituents had extreme concerns about the fact that this material was moving to their area and coming to Roachdale, Indiana. And so Senator Braun and I wrote you a letter back in March. It took about 55 days to get an answer to that. So anyway, the questions that I have relate to that letter. And if the Chairman will allow, I'd like to submit that letter for the record.

Mr. MILLER. Without objection.

Mr. BAIRD. So I guess I'm down to trying to figure out why some of the facilities were not approved, and yet, Roachdale, Indiana, is quite a distance from East Palestine, and so how that selection process worked and why some of these other sites like Victory, Ohio, Liverpool, Ohio, and some of those sites were not selected?

Mr. REGAN. Well thank you for that question. And so, you know, when we have a perpetrator of an incident like the one in East Palestine, they're responsible for identifying and selecting the sites. So Norfolk Southern gave us a list of sites that they thought were capable of handling these particular waste streams. I know that they exhausted the number in Ohio in state that they could so they started to look at other States as well. It's our job, once Norfolk Southern submits the desired location, to approve or disapprove based on the certification, and so that's what we did during that process. I know that because East Palestine, was so highly visible, that there was a lot more controversy around who was receiving these waste, but I would agree with you that companies like Heritage and others all across the country receive these kinds of waste all the time and handle them with the utmost integrity, and we didn't anticipate anything different on this one.

Mr. BAIRD. Thank you very much for that answer. I see that I'm out of time. So I just think that process really needs constant review. Thank you.

Mr. REGAN. Thank you.

Mr. MILLER. Thank you, Mr. Baird.

I now recognize Ms. Ross for five minutes of questioning.

Ms. ROSS. Thank you, Mr. Chairman. And again, thank you, Administrator Regan, for being with us today.

I also want to thank all of your employees at the Research Triangle headquarters. I visited with them recently, and they are inspired by your work and doing fabulous work there, and let's hope the government doesn't shut down so that none of them have compromised paychecks over the next few weeks and months.

Back to the PFAS issue, as you know, PFAS chemicals affect our drinking water, our crops, the air we breathe, and the products we bring into our home. And they've contaminated more than 2,300 sites across 49 States, polluting the drinking water of an estimated 200 million Americans, including thousands of households in North Carolina, as you know very well.

These forever chemicals have been associated with a wide range of serious health effects, including probable link with cancer, thyroid disease, lower fertility, and more. But we know very little about what these chemicals really are, where they are manufactured and used, and how the American people are being exposed. It is vital for EPA to define PFAS in a way that will not deprive the Agency, Congress, States, and the public of information necessary to address their harmful effects efficiently and effectively.

I've led bipartisan legislation that has twice passed the House that would direct the EPA to use a simple definition of PFAS, one fully fluorinated carbon atom. That is consistent with the international consensus definition. This definition would ensure that we have a full picture of the nature and extent of PFAS effects, enabling Congress and the Administration to formulate an effective plan of action to address the problem.

I'm hopeful that the EPA's PFAS reporting rule under the *Toxic Substances Control Act* will help us capture the full picture of contamination in the United States. How is EPA going to ensure that its definition accurately reflects the scope of the pollution crisis and the wide range of chemicals our communities are suffering from, in particular, PFAS pollution from fluoropolymers in North Carolina?

Mr. REGAN. Well, Congresswoman, thank you for that question. And so we've recently issued our third test order on this PFAS substance because we are in a continual collection mode of what these health effects are. To the point you made, there are so many of these chemical compounds that are out in our environment that we don't understand the health implications. So in terms of following the science and following the law from a regulatory standpoint, we have testing requirements under the order that will improve our understanding, and we have a national PFAS strategy that spans not only our *TSCA* program, but our cleanup programs, our air programs, and our water programs. So we're really trying to get our arms wrapped around what do we do with what's already in the environment, and how do we work with industry to ensure that we don't continue to put it into the environment?

Ms. ROSS. OK, great. On a different topic, this Administration has made significant investments in the transition to electric vehicles, especially as made possible through the *Infrastructure Investment and Jobs Act* and the *Inflation Reduction Act*. We had the privilege of speaking with Secretary Granholm in this Committee

earlier this month about what the Department of Energy is doing to advance this transition. Can you elaborate on the work that EPA is undertaking to advance this transition?

Mr. REGAN. Well, I can say that we have a proposed rule for our cars and trucks that looks at the opportunity for electric vehicles to lower carbon pollution, along with advanced biofuels and some other technologies that can pull carbon out of the air. You know, I laugh because I think that what we're doing is trying to codify a technology that industry is out the gates with. You have the major car companies running million-dollar Super Bowl ads, talking about how quickly they're going to electrify the future. We have over \$500 billion in private sector investment into manufacturing and ensuring that we can do this domestically.

Where—our technology standards for cars and trucks and vehicles ensures that we leverage the full potential of electric vehicles (EVs) to meet the demands of the emission reductions for the climate crisis. I think we are in line with where the industry and technologies are going, and we want to be sure that we give industry the regulatory certainty to continue to make those major investments.

Ms. ROSS. Thank you, and I yield back.

Mr. MILLER. Thank you. I now recognize Mr. Obernolte for five minutes of questions.

Mr. OBERNOLTE. Well, thank you very much, and thank you, Mr. Regan, for your willingness to be here today.

I'd like to ask a question about the greenhouse gas reduction fund that the EPA is attempting to establish. It's trying to get \$20 billion out the door this year, which is obviously a staggeringly large amount of money to try and move in one year. Recently, a *Freedom of Information Act* request revealed that the EPA had a series of meetings last November with potential awardees of grants from that fund, and that raised concerns that the EPA was picking winners and losers essentially. Is it normal practice to have meetings, exclusive meetings with potential awardees of grants from a fund, particularly when the public comment period for that fund hasn't closed yet?

Mr. REGAN. Yes, I'd have to say that I think we met with just about everybody under the sun to try to articulate the design or the intentions of the program. I would argue that, you know, once we got beyond initial conversations, when we got into the design of the program, we had the proper safeguards in place to be sure that, No. 1, no one was unfairly advantaged; and No. 2, those who could potentially be a recipient would not be involved in the design discussions. I can say that I met with private equity, hedge fund, venture capital, Wall Street, commercial bankers, but I also met with CDFIs (community development financial institutions), State and local governments. So we really tried to be sure that we understood sort of the full breadth of the impact of this program. And I think you recognize that we've designed competitions so that those who are experts in leveraging capital can take that \$20 billion and pull hundreds of billions of dollars off the sidelines to advance—to invest in low carbon technologies.

Mr. OBERNOLTE. Sure. Well, speaking of those safeguards, one of the things that was revealed through that *Freedom of Information*

Act request was the fact that a former senior attorney for the Sierra Club was one of the required attendees from the EPA at a meeting that included the Sierra Club. Is that a conflict of interest, or would that fall into something that you think would be impermissible?

Mr. REGAN. I'd have to look into the specifics of that because this is the first time I've heard that. Again, I've instructed—we've instructed—I've had a number of conversations, actually, with our Office of Inspector General on how to conduct and design these programs, and as far as I know, we are meeting that letter of the law.

Mr. OBERNOLTE. All right. Well, I appreciate you—if you could look into that and get back to us on it because, I mean, obviously, we would never want the public to think that government had its thumb on the scale when it came to who was eligible for and received funding from this grant fund.

Mr. REGAN. Absolutely.

Mr. OBERNOLTE. Talking for a moment about nuclear energy, I know that we're all aware that we have a big problem with the disposal of nuclear waste, and regardless of what one's thoughts are on nuclear energy, I think we should all be able to agree that storing spent fuels in casks onsite at these decommissioned nuclear power plants is not best practice or in the keeping of our obligation to protect the environment. What is the EPA doing to try to promulgate long-term solutions to this problem?

Mr. REGAN. Well, I would say that we work very closely with the Department of Energy on that waste storage issue. But let me be clear, I'm from the State of North Carolina where 50 percent of the base load is nuclear energy. We see nuclear energy as a low emissions technology that can help us combat the climate crisis and public health issues. So I think we have to stay laser focused on how we store the waste and proliferation as we begin to also look at new and advanced modular nuclear technologies. But I want to be clear, we work very closely and hand in hand with the Department of Energy on how we handle the storage of that waste.

Mr. OBERNOLTE. Right. Well, let's keep working on those solutions because I think it's something that is a goal that we all share.

And then last, talking about the—some of the PFAS regulations that your agency is promulgating, I just want to sound a cautionary note. I think we all share the goal of providing clean, safe, affordable drinking water to all Americans, but it's not enough just to establish new detection technologies and new regulations because if we're not giving our water agencies the tools to remove those hazardous chemicals from the water, we really haven't accomplished anything. I mean, we can pretend we put a new regulation on them and, you know, problem solved, but if there's not the technology to remove that from water or if it's too expensive or if we're forcing these agencies to build that into the cost of drinking water that makes it unaffordable, you know, we really haven't solved the problem. So I hope we can all work together on that.

I see my time has expired, though, and thank you very much for being here today and for your willingness to testify before the Committee. I think it's very helpful.

I yield back, Mr. Chairman.

Mr. REGAN. Thank you.

Mr. MILLER. Thank you. I now recognize Mr. Sorensen for five minutes of questioning.

Mr. SORENSEN. I want to thank Chairman Miller and Ranking Member Lofgren for convening this hearing, and Administrator Regan for your willingness to appear before us. Also, it was really great to see Chairman Lucas back in our Science Committee this morning.

I'd like to thank Administrator Regan for visiting my hometown of Rockford, Illinois, earlier this year to witness replacement of lead service lines into homes, families, we're solving the problems. The district that I represent, the—Illinois 17th Congressional District, we have some of the highest percentages of lead service lines of any district in the country. Last Congress, we passed the *Bipartisan Infrastructure Law*, which included funds for lead pipe replacement. I'm proud of my colleagues for the work they put into that bill and the work that we're doing today, we're all doing today to keep communities safe and healthy. But as we're all aware, Congress is facing an appropriations cliff. As of right now, we do not have a set plan to fund the government beyond this weekend. Should the government shutdown, what would be the impact of that shutdown for beneficial programs like lead service line replacement that the EPA is implementing?

Mr. REGAN. Well, thank you for hosting me in your district, and it really was a good day. And it's always a good day when you watch the extraction of lead service lines and you see families throughout the neighborhood celebrating.

We run the risk of not seeing those celebrations if we have a shutdown. Simply put, the work just can't get done. We've got \$15 billion that we want to get out to eradicate lead service lines, both on the public and private side. This money tackles both of those. And without the EPA employees in place to do the work, we just hit the pause button. And that exposes children, the elderly, everyday families, exposes them more to lead in the drinking water.

Mr. SORENSEN. Before I was elected to Congress, I served my community as a meteorologist for 22 years. I was one of the first people to talk on local television about the impacts of climate change. I represent family farmers in western Illinois that have generations. I've seen these books of old weather records that go way back. People understand there's a change, as you and I do as well. I'm proud that John Deere and Company is focused on precision ag and lowering inputs and emissions, and I'm proud that the new Amazon delivery trucks, the EV trucks are built in my district by Rivian. And the Administration, I'm thankful, is focused on the climate crisis, implementing a whole-of-government approach. Could you elaborate on what role the EPA is playing in this governmentwide but also public and private approach to addressing the climate crisis? And can you expand on how the EPA is engaging in smaller communities to solve the crisis?

Mr. REGAN. Well, I appreciate that, and, you know, I've spent a lot of time with Secretary Vilsack thinking through how we use voluntary and regulatory tools for our small rural communities, as well as our larger communities. I think it takes a holistic approach, and so I am spending a lot of time engaging the private sector. We cannot solve this problem without the private sector. So we have

great opportunities like this greenhouse gas reduction fund question that was raised about billions of dollars in investment, but we also have the responsibility to engage with the regulated community, with the ag community on how do we get the best technologies at the commercial scale to ensure we are combating the climate crisis and using every tool in the toolbox.

So I have a great deal of respect for USDA (United States Department of Agriculture), for Commerce, for DOE, for DOT (Department of Transportation). And, you know, the President sets the tone, and he indicated from day one that we would all work together, and I'm really glad we all like each other because we're all working together very closely.

Mr. SORENSEN. Well, I hope you're feeling that here from the Science Committee as well because this is a group of people here in Congress that are here to solve the problems of the American people. We put politics aside in this room, and we solve the problems because we know there are real people. We know there's another generation and a generation after that that are going to look back into 2023 and say, what did we do as things were changing? It's got to be a scientific approach.

I appreciate what you do with the EPA.

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

Mr. MILLER. Thank you. Mr. Crawford now recognized for five minutes of questioning.

Mr. CRAWFORD. Thank you, Mr. Chairman.

Mr. Regan, thank you for being here, appreciate it.

The EPA recently offered a proposal, the vulnerable species pilot, which I have some concerns with, and I think most people in ag and forestry and other pesticide users share that concern. The requirements of this proposal could be impossible to comply with, which would prevent producers from protecting crops and other property. In fact, four out of five producers claim they'll no longer be able to continue their farming operations if these regulations are enacted. So obviously, it would jeopardize the livelihoods of rural communities. So my question is can you explain to me why the EPA feels the need to put in place such severe restrictions without even first looking at the science to determine is there a risk to endangered species? Furthermore, how does this approach reconcile with the EPA's responsibility under the *Endangered Species Act (ESA)* and *FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act)* to conduct effects determinations and risk assessments?

Mr. REGAN. Well, I appreciate that question, and I think you and I both share a frustration here, which is we've had 30 to 35 years of a lack of compliance with the *Endangered Species Act*. And, as I've discussed quite frequently with Secretary Vilsack as we try to collectively tackle this issue, the courts have now taken the driver's seat in terms of setting the bars pretty high on EPA not responding to and losing litigation in court. And so what we've attempted to do is work very closely with USDA, resolve some of these litigation issues, and begin to expedite some of the reviews that would comply with the courts' guidance, but also bring new products to the market. We do not want our farmers waking up and guessing every single day what's going to be on or off the shelf.

Mr. CRAWFORD. So you mentioned—I've heard you and—tell two different Members that you've coordinated with and have a good working relationship with USDA. So my question is, have you coordinated with Fish and Wildlife on this particular proposal? And if not, how does that reconcile with EPA's responsibility under the 2018 *Farm Bill and the Fiscal Year 2023 Consolidated Appropriations Act*, which required the coordination with Fish and Wildlife? I'm giving you credit for having coordinated with USDA because you've indicated that you have, but other Federal coregulators on proposed ESA pesticide mitigations.

Mr. REGAN. We have. I think—we've looked at this issue—I've looked at this issue through a very frustrated lens because I inherited a mess, but we have to solve it. So—

Mr. CRAWFORD. So if—and I don't mean to interrupt you, but my time is limited.

Mr. REGAN. Sure.

Mr. CRAWFORD. So if I'm understanding you correctly, a lot of this is now in the wheelhouse of the courts. Is that correct?

Mr. REGAN. A lot of it has been, and the courts have made rulings. And where you will see a slight difference sometimes with USDA or U.S. Fish and Wildlife is the court is telling EPA it has to meet that measure, and then we discuss. And, quite frankly, maybe USDA or U.S. Fish and Wildlife have a higher appetite for risk. DOJ (Department of Justice) is serving as our attorney, and they say, EPA, you can't afford to do X, Y, and Z. You're seeing a robust discussion across multiple agencies to try to get at some of these issues, and quite frankly, courts like the Ninth Circuit on chlorpyrifos and others have set a really high bar. That bar would not have been that high if we had been on the offense instead of the defense.

Mr. CRAWFORD. Right, and I think we can agree that this is a very frustrating process, so I definitely think we agree on that front.

Let me switch gears real quick. In 2020 the EPA's own scientific risk assessment demonstrated that the risk from line manufacturing emissions are acceptable with an ample margin of safety and that no new regulations are necessary. Despite that finding, EPA is currently proposing to revise its national emission standard for hazardous air pollutants for the line manufacturing sector due to ruling in D.C. court case, *LEAN v. EPA*. An economic analysis of the EPA proposal demonstrates that the rule would impose capital costs of almost \$1 billion on an industry with only an annual revenue of about \$2.3 billion. So given that rule would impose significant costs without an appreciable public health benefit, would you commit to adopting the maximum flexibilities under the *Clean Air Act* to minimize the burden of this rule on line manufacturing?

Mr. REGAN. I think what we want to do is ensure that we are meeting the letter of the law with as much flexibility as possible. I think we have to be reasonable, and I think what we want to do is protect public health and ensure that these industries can be productive because, of course, all of us rely on the food, fuel, and fiber that this industry produces.

Mr. CRAWFORD. Thank you. I appreciate you being here today, and I'll yield back the balance of my time.

Mr. REGAN. Thank you.

Mr. MILLER. Thank you, Mr. Crawford.

I now recognize Ms. Salinas for five minutes of questioning.

Ms. SALINAS. Thank you, Mr. Chairman. And I want to welcome back Chair Lucas. I really appreciate his leadership on this Committee and thank the Ranking Member also for holding this important hearing.

Administrator Regan, I want to thank you for being here today. And from clean water and air to ensuring a smooth energy transition, the EPA's work is truly essential to Oregon's health and prosperity. And I'm really grateful for your work to implement the *Bi-partisan Infrastructure Law*, which is already making an impact for my constituents. In February, EPA awarded Oregon \$18.9 million to address emerging contaminants like PFAS in drinking water, and the investments really do target our smaller rural communities in our disadvantaged areas.

In April in House Ag, you testified and we discussed the Closing America's Wastewater Access Gap Technical Assistance Program, and you assured us then that you are working closely with USDA on 11 pilot projects in communities around the country to provide a roadmap to scale up unified technical assistance and export a successful model all across the country. And for my communities, the issue of technical assistance has really been a priority since my—since day one, since I was first sworn in. My small town, small farmers, historically, really are at a disadvantage in trying to access some of these grants. You know, if they have any kind of assistance in terms of staff capacity, they don't really have the legal expertise and some of the capacity to hunt down these grants in the first place, and they certainly don't have the expertise to apply for them.

It's my understanding that Closing America's Wastewater Access Gap program was meant to equip the participating communities with the information they need to apply for funding in fall 2023, so this year. So my questions are, are we on track to hit that target? And are there key lessons that you've learned so far in that process?

Mr. REGAN. Well, thank you for that question, and we are. We are on target. We are learning a heck of a lot from these 11 communities. We strategically chose these communities because we knew it wouldn't be a monolithic solution, and so we are prepared—EPA and USDA—to take those learnings from those 11 and export those to ensure that they reflect the breadth of rural communities, smaller communities that will be competitive for these resources. We are on track, and our Office of Water is feeling really good about having the capability to make sure that these communities are competitive for these billions of dollars.

Ms. SALINAS. Great. And then once the pilot program wraps up, is their intent to extend the program nationally?

Mr. REGAN. I think the goal is twofold. We will assess whether or not we need to continue to pilot, or we will take those learnings, compile them, and see if we can export that level of learning and technical assistance to those who need it the most. We believe that this 11 is reflective of the country, and we believe that those learnings will help us get that across the finish line.

Ms. SALINAS. And are there—is there anything that you need from Congress in order to make sure that this program is successful?

Mr. REGAN. Listen, I would say that the \$50 billion that we received from *Bipartisan Infrastructure Law* to focus on our failing water infrastructure was a huge shot in the arm, but we have over \$700 billion in need. And so what I'm hoping is that Congress will see that EPA has used these resources strategically and wisely so that when we look for more resources to help more people, there will be a compelling case to do so.

Ms. SALINAS. Thank you. And then, as you know, shifting gears here, China dominates production of many critical minerals essential to the clean energy transition, including lithium and cobalt used in batteries and polysilicon, a key material for producing solar panels. With the *CHIPS and Science Act* and the *IRA*, Congress set ambitious climate goals, while also seeking to reduce our dependence on foreign countries, priorities that often for me seem at odds. And the issue isn't exclusive to the energy sector. I've heard from Intel employees in Oregon that this is top of mind. Tech companies like Intel and their suppliers in my district rely on these minerals to produce semiconductors and other electronics. How does EPA-supported research inform sustainability in mining? And more broadly, how do you think about expanding domestic production of critical materials in an environmentally responsible way?

Mr. REGAN. Well, the first thing I'd say is that we believe that we can do it in an environmentally responsible way. We believe that we have to have responsible domestic mining because we cannot rely on China. And since the *Inflation Reduction Act*, I believe we've seen over \$45 billion invested in battery supply investments and supply chain—critical mineral supply chain issues.

And so what we do with our regulatory authority is watch what the market is doing, watch where the technologies are going, and in our regulations or technology standards, we try to incorporate best management practices and the best technologies to keep this country globally competitive. That's the goal, and that's EPA's role.

Ms. SALINAS. Thank you, and I yield back.

Mr. MILLER. Thank you. I now recognize Ms. Tenney for five minutes of questioning.

Ms. TENNEY. Thank you, Chairman Lucas and Mr. Miller, and also thank you to Chairwoman Lofgren.

I want to thank you, Administrator, for your service and for being here and for giving us your transparent answers on the operation of the important functions. And thank you again to Chairman Lucas. Congratulations. I know he's not in here now, but glad to see him back, back in action.

And I just have a—for the sake of time, I just want to not give you an opening statement, but I really want to dive right in, Administrator, and I'm going to ask you a string of questions, and I just would appreciate a straightforward yes/no answer on these if you could. And my first question is are you familiar with Arabella Advisors?

Mr. REGAN. Arabella Advisors?

Ms. TENNEY. Arabella Advisors.

Mr. REGAN. I am not.

Ms. TENNEY. OK. Are you familiar with the Federal Acquisition Regulation, the FAR, Council's proposed rule entitled, and I quote, "disclosure of greenhouse gas emissions and climate-related financial risks," close quote. That's the proposal rule which would require major Federal suppliers to publicly disclose greenhouse gas emissions and climate-related financial risks, as well as set science-based reduction targets?

Mr. REGAN. I am familiar with FAR, yes.

Ms. TENNEY. OK. This rule was proposed by DOD (Department of Defense), GSA (General Services Administration), and NASA (National Aeronautics and Space Administration), which collectively comprise the FAR Council. Did the EPA have any involvement, consultation, coordination, or otherwise in this rule?

Mr. REGAN. We may have had a peripheral. We typically participate in all interagency processes.

Ms. TENNEY. So you didn't directly get involved with this as far as you know?

Mr. REGAN. Our agency could have.

Ms. TENNEY. Could have, but you didn't—

Mr. REGAN. No.

Ms. TENNEY [continuing]. Or your staff didn't? OK.

Mr. REGAN. I didn't personally.

Ms. TENNEY. Don't you think that, as the Environmental Protection Agency, the premier agency, you should have had some kind of consultation in putting forth this rule on climate emissions, especially affecting major suppliers and entities all over the country?

Mr. REGAN. I believe that our agency may have participated in interagency. I'm just answering you straightforward I did not participate—

Ms. TENNEY. All right. Do you know if the Council on Environmental Quality was consulted?

Mr. REGAN. I assume that they were because they're part of the interagency process, but as you know, that council is in the White House and I'm not so—

Ms. TENNEY. OK. Appointed by the President. The rule requires major contractors to have their climate targets validated by a company called Science-Based Target Initiative or SBTI for short. Are you familiar with SBTI?

Mr. REGAN. I am not—

Ms. TENNEY. OK.

Mr. REGAN [continuing]. Familiar with SBTI.

Ms. TENNEY. The EPA's website cites SBTI's criteria as a good rule of thumb for companies to align their emission targets with, so you may want to know who they are because they're going to be actually doing some oversight on behalf of your agency and telling U.S. businesses who they need to align with. I mean, let me also—are you also—since you don't know SBTI, it is a British company, and its interests may not necessarily be aligned with U.S. national security interests.

And I just want to say, so everyone knows—is on the same page, including you, I just wanted to inform you SBTI is a private foreign company that both sets emission reduction targets and validates them for private companies for a fee. According to the EPA's website—this is the agency you run—the EPA's Center for Cor-

porate Climate Leadership is a resource center for all organizations looking to expand their work in greenhouse gas measurement and management. It goes on to say that the center offers resources to help organizations conduct, assess, and reduce their scope 1, 2 and 3 GHG emissions. From what you understand and I've described here, don't the center and SBTI conduct some of those activities?

Mr. REGAN. I am very familiar with the Center for—

Ms. TENNEY. OK.

Mr. REGAN [continuing]. Corporate Climate Leadership.

Ms. TENNEY. OK.

Mr. REGAN. So I'm very familiar with that organization, which I think to your point is a voluntary—

Ms. TENNEY. Right.

Mr. REGAN [continuing]. Program that we run because the private sector asked for ways that—

Ms. TENNEY. SBTI is not—the proposed rule is not voluntary.

Mr. REGAN. The Center for Corporate Climate Leadership—

Ms. TENNEY. Right.

Mr. REGAN [continuing]. Is a voluntary program.

Ms. TENNEY. But this rule that I'm talking about is actually—is going to be—if enacted, it's going to be mandatory. So I wanted to ask you, so between the center, which you're citing here, and the preexisting voluntary relationships that you're talking about with GHG reporting, it covers 85 to 90 percent of all U.S. GHG emissions. Do you think the EPA could at least be compared in offering the services and activities the SBTI does instead of SBTI since you're a U.S.-based government agency, not a private entity that's funded by outside donors to which—have ties to—have political ties?

Mr. REGAN. We have a Greenhouse Gas Reporting program established by Congress—

Ms. TENNEY. My question, though, is do you think—

Mr. REGAN [continuing]. That's 15 years old—

Ms. TENNEY [continuing]. That—don't you think that—

Mr. REGAN [continuing]. So—

Ms. TENNEY [continuing]. We should go to the EPA—

Mr. REGAN. So—

Ms. TENNEY [continuing]. Versus going to this SBTI?

Mr. REGAN. Well, I'm not negating that that FAR group didn't come to EPA to consult with EPA on the Greenhouse Gas Reporting program that we already have in place. I think we have two, the Greenhouse Gas Reporting program and the Center for Corporate Climate Leadership. Both could have fed into the FAR process, and that could have happened with senior leadership at the EPA.

Ms. TENNEY. So—

Mr. REGAN. Yes. I'm just not familiar with that.

Ms. TENNEY. Let me—yes, I'm about to run out of time, but this company is listed as the sole source. This is the sole source for getting this information. Don't you think that we should have choices and that we shouldn't have a politically charged and—you know, there's Arabella—

Mr. REGAN. I guess I reject the premise that we don't have choices.

Ms. TENNEY. Actually is sort of—right.

Mr. REGAN. I think your—

Ms. TENNEY. Well, under SBTI and under the proposed rule, there isn't a choice. They must go with this—

Mr. MILLER. The gentlelady is out of time.

Ms. TENNEY [continuing]. SBTI, and SBTI is actually funded by Arabella Advisors ultimately, which is funded by, for lack of a better word—

Mr. REGAN. I—

Ms. TENNEY [continuing]. Left-wing political source.

Mr. REGAN. I will take a look into this because I just sort of reject the premise that we don't have choice. We have a number of programs that are well-established, that could have fed an inter-agency process, and so I don't want to negate—

Ms. TENNEY. I think I agree with you.

Mr. REGAN [continuing]. That that didn't happen.

Ms. TENNEY. I think that you would reject SBTI—

Mr. MILLER. Thank you, but the gentlelady's time is expired.

Ms. TENNEY. Thank you.

Mr. MILLER. Thank you very much.

Ms. TENNEY. I appreciate your testimony.

Mr. MILLER. Thank you.

Ms. TENNEY. Thank you.

Mr. MILLER. And I'd like to recognize Mrs. Foushee for five minutes of questioning.

Mrs. FOUSHEE. Thank you, Mr. Chairman and Ranking Member Lofgren, for holding this hearing today. And I, too, was happy to see Chairman Lucas back into the Committee Room today.

Administrator Regan, welcome, and I am pleased to have this opportunity to discuss EPA's science with you today, where the Agency's research activities are such a significant and welcome presence in my district. And of course, it's always a pleasure to welcome a fellow North Carolinian to the Science Committee.

My district, North Carolina's 4th, is one of the Nation's leading hubs for environmental research, and EPA research programs are a huge part of that. The Office of Air Quality Planning and Standards (OAQPS) and the Center for Public Health and Environmental Assessment are both based at EPA's RTP (Research Triangle Park) campus where I was pleased to visit earlier this year, as well as other critical EPA facilities like the National Computer Center, the Center for Computational Toxicology and Exposure, and the First Environments Early Learning Center, mission-critical offices with world-class scientists and devoted public servants whom I am concerned about if we are indeed headed for a government shutdown. I would like to learn more about how EPA supports its research programs in RTP and ensures that they have everything they need to continue their essential work on behalf of the American people.

Mr. REGAN. Well, thank you for that question, and I smile because I think you know my—in 1998, I interned at OAQPS in Research Triangle Park, and that's where I got my start with the Agency.

Listen, just so that folks understand the campus and RTP is considered a headquarters office. The number of personnel we have, the world-class capacity is so large that Congress deemed that they

would set up that separate campus in North Carolina. We rely on those individuals at OAQPS and ORD to continue our leading research on PFAS, on the air quality impacts of wildfires, on looking at how we really begin to address the chemical compounds from emerging compounds, and also as we think about, you know, expediting and pushing for our *TSCA* program. And so if we face a shutdown and if we lose the folks in OAQPS and ORD in Research Triangle Park, we will see a pause in the work that's happening on a national and global level.

Mrs. FOUSHEE. So, Administrator Regan, can you assure me that, under your leadership, EPA is prioritizing scientific programs in Research Triangle Park and elsewhere with the budgets they need, the staffing they need, and the high-level backing they need to conduct their work?

Mr. REGAN. You know, this is why I come before Congress often to ask for those necessary resources. It's imperative. I think I have stressed from day one that scientific integrity is the North Star for us, following the science and following the law. So I pledge that commitment to all of our scientists across the Agency. We are trying to push as many resources and as much opportunity for that scientific voice to be heard in all the work that we do.

Mrs. FOUSHEE. I also want to take this opportunity to discuss an important oversight priority. For over a decade, EPA's IRIS (Integrated Risk Information System) program has been working on updating its assessment of formaldehyde. Formaldehyde is a known carcinogen. IRIS came to this conclusion last year. It was a draft conclusion. And last month, the National Academies provided its stamp of approval on the assessment, its fourth time in nine years affirming the progress IRIS has made. GAO (Government Accountability Office) and a Science Committee investigation found that during the Trump Administration, political influence derailed this important assessment from being finalized. As the Academies said, it is imperative that EPA finalize this assessment. So will you push to finalize this important assessment by the end of next year so key stakeholders across and beyond the Federal Government can incorporate it into health protective policies?

Mr. REGAN. We are currently reviewing the NAS (National Academy of Sciences) and those external peer reviews as we speak. We are moving on an expedited timeframe, along with looking at hundreds of other studies as well that we have to consider. We understand the sense of urgency, and so I can commit to you that we've put the necessary resources and personnel on this issue and we'll move expeditiously.

Mrs. FOUSHEE. Thank you, Mr. Administrator. I yield back.

Mr. MILLER. Thank you. I now recognize Mr. McCormick for five minutes of questioning.

Mr. MCCORMICK. Thank you, my fellow Marine, and, Mr. Chairman, thank you.

Mr. Regan, for your testimony today I also thank you. And, Mr. Regan, I wanted to talk to you about EPA's role in another part of the Committee's jurisdiction, which is space. Camden Spaceport in Georgia went through a six-year process for its final Environmental Impact Statement (EIS). It's estimated that Camden County spent nearly \$10 million on various studies preparing for the

Environmental Impact Statement and consultants. Well, I'm glad it's finally moved forward finding zero impact in 2021. It's alarming that it took a decade and \$10 million for this development to clear all paperwork required, largely because the environmental review process. Can you point out some concrete steps that the EPA is taking to shorten this approval process and remove bureaucratic red tape from the budding commercial space industry specifically?

Mr. REGAN. Well, I think what we've done at EPA and you know, obviously, the EIS process involves more than just EPA, but what we've done is we've streamlined our permitting process and our environmental review process. We've automated a lot of these processes. As you mentioned, this is—sounds like it's been in the making for 10 years. Over the past three years, we recognized that. In order to get these EISs done in order to get permits out the door we have to use technology and more efficient measures so that we can ensure that our States and locals get those needed permits so the economy can thrive. So I can tell you that we have looked at how we can make processes more efficient. We have automated processes, and we have also expanded our external stakeholder outreach. Our State and local government arm of EPA is much more robust and muscular right now, and we have more of a finger on the pulse.

Mr. MCCORMICK. You know, I would agree actually because I've seen it's taken about half as much time for everybody else to get their approval, so it's obviously working. So kudos to you guys.

The EPA's rule is to protect human health and the environment, yet it seems often more focused on the bureaucratic red tape, which I understand is the product a lot of times of the regulation we burden people with, although bureaucrats also tend to add on to that because it's a job. For example, in my own district, a mile and a half road in Roswell, \$700,000 to do a study that lasted 18 months just to see if we could repave a road that's going to get repaved anyways, but it costs an almost \$750,000 and delays it for a year and a half while people are going over potholes and going through the process that's so dragged out just to do something we know is pretty much inevitable anyways. I'm looking for ways we can streamline this process and get rid of the inevitable delays that have been making people's lives miserable. Because, after all, we're all in government to serve the people and make their life better. Can you speak to that?

Mr. REGAN. I don't know if I can speak to paving roads and the expediting of that process. I can say that with the *Bipartisan Infrastructure Law*, as far as a whole-of-government approach, there are a lot more resources to look at how we stabilize our roads, our bridges, and our transportation. What I can say is our involvement in these environmental assessments under my watch has moved much more expeditiously. I can say that because, as a former State regulator, I've been on the receiving end at the State level trying to work with the Federal Government. I've tried to bring that State knowledge to the Federal Government and work in an expedited manner to get these reviews done. Time is money.

Mr. MCCORMICK. Time is money. You're absolutely—now you sound like a business guy instead of a bureaucrat. I like that. What's interesting, we just allocated \$40 million for a study based

on efficiencies last cycle for the budgeting, and I was curious if—you talk about the efficiency and the timeliness, which was supposed to be part of this review system, you talked about how you're making progress. Can you tell me where that \$40 million expanded your ability to digest that and make you more timely and efficient? You mentioned AI (artificial intelligence), but other things that that \$40 million dollars went toward finding out that can make you better at what you're doing?

Mr. REGAN. I'm not quite sure if I recognize the \$40 million you're speaking to.

Mr. MCCORMICK. So I'll—specifically through the *Inflation Reduction Act*, we allocated \$40 million to a study to develop a more efficient, accurate, and timely review process in the EPA.

Mr. REGAN. Let me get back to you on the specifics of that. I mean, holistically speaking, I can tell you that we spend a lot of time, money, and resources on efficiencies all across the Agency, but I want to answer your question directly about that \$40 million. I want to be accurate there.

Mr. MCCORMICK. With that, I yield. Thank you.

Mr. MILLER. Thank you. I now recognize Mrs. Sykes for five minutes of questioning.

Mrs. SYKES. Thank you, Mr. Chair. Thank you so much, Administrator Regan, for being with us today. This is a great conversation, and one of the reasons I wanted to serve on this Committee is to help oversee the implementation of *CHIPS and Science*, as many people have heard, as well as the *Inflation Reduction Act*.

And I know your agency has quite the role to play in that, and one of the things that you have the oversight of is \$41 billion in distressed communities to discuss in advancing environmental justice. And I know that might seem like one of those D.C. bubble phrases, but it certainly is an impactful and necessary conversation to have because environmental justice means access to safe drinking water, clean air, addressing the pollution of the past to make sure things like the Cuyahoga River does not catch on fire again. And we know that pollution does not know geographical boundaries, as well as congressional boundaries, State boundaries, but its impacts can also be disproportionate.

And I want to talk specifically about my district, Ohio's 13th, because I represent the city of Akron, Barberton, Uniontown, and communities that are working to address these longstanding environmental issues that we inherited many generations ago, and we also want to make sure we get our fair share of those \$41 billion. And so can you talk about the difference that those funds are going to make in our communities and how they're being implemented across the country now?

Mr. REGAN. Absolutely. First of all, I'd like to say thank you for your leadership locally, and also your role on the congressional Black Caucus Environmental Justice Task Force as the co-Chair. I think you know and understand that there are so many communities like the ones you've identified that have just not had a seat at the table and have been left behind. They don't have the infrastructure to respond to the disproportionate pollution that they faced, which is why one of the first actions I took was establishing a new national program, the Environmental Justice and External

Civil Rights program. This program is on par with all of our other national media programs, the air, water, lands, chemical program, to ensure that all of the resources that we get appropriated in addition to the resources from these historic pieces of legislation reach the communities that need it the most.

Whether you're in your community or Appalachia or Lawrence County, Alabama, the disproportionate impact and lack of infrastructure investment is astounding, and so I have not only set up a national program, but we've also set up metrics and guidelines and policies to ensure that every regulation, every policy, contracts, and procurement have this lens of justice and equity applied.

Mrs. SYKES. Thank you so much, and I appreciate you saying Appalachia because I know you're a legitimate person because some people like to say Appalachian and that's not correct, as we often are corrected in Ohio.

But I do want to build upon something and move to another topic, specifically the community of Uniontown. And the State of Ohio's EPA has been working with Uniontown since the 1980's to fix the Industrial Excess Landfill, and some of the work of your agency is being—and because of the work of your agency has been remediated and affect the residents who are hooked up to municipal water supplies and away from well water, which was welcomed. But this process is arduous, it's long term, and it becomes very difficult. And we've seen the presence of one of the four dioxins, which is a dangerous chemical.

And so we don't have as much time for me to ask you to go into this too deeply, but if you could just blink twice and let me know that you're going to continue to work with the State Ohio EPA. And I will take that as your commitment—

Mr. REGAN. Absolutely.

Mrs. SYKES [continuing]. To working with our community.

But I do want to talk about East Palestine because, one, I want to thank you and the members of your staff for coming so quickly to the aid of folks in East Palestine. It is not in my district but certainly appreciate you. I've heard from people in the Governor's administration, their appreciation, and I also want to express that to you publicly. And I know we often hear about the Administration and what they are doing, and I can attest—and I've seen you there a couple of times—that you were there. But the thing that unfortunately Members of Congress, as we—as Members of Congress push on the Administration, we don't push enough on our own colleagues to even pass bipartisan legislation like the *RAIL Act*, we can do something to help fix this, and that is passing the *RAIL Act*, a bill that has not received any hearings in Committee. And that could happen and that could be very impactful.

But to your point earlier about Norfolk Southern and holding them accountable, I know there is a recent Executive order from the President to ensure that they were—that the Administration is overseeing that work. There was the announcement that you made several months ago in East Palestine. Can you talk to us in 10 seconds or less about how you are enforcing that and making sure Norfolk Southern is doing what they promised to do to the people of East Palestine?

Mr. REGAN. We ordered Norfolk Southern to clean up the mess. They have responded to our orders to date and have dotted every “i” and crossed every “t.” We are almost complete, cleanup the waste. We will continue to monitor the soil and water for the foreseeable future. And the President’s Executive order spelled out what we at EPA have already been doing, which is provide timely updates directly to him so he has a finger on the pulse.

Mrs. SYKES. I yield back.

Mr. MILLER. Thank you. I now recognize Mr. Williams for five minutes of questioning.

Mr. WILLIAMS. Administrator Regan, we’ve never met, and I just want to say how much I appreciate—way over here. They tuck me in the corner. I appreciate your direct and relevant answers today and also admire your command of the issues that are under your jurisdiction, so just please accept my sincere appreciation.

Mr. REGAN. Thank you.

Mr. WILLIAMS. One of the key lessons that I’ve learned about research and development for my business experience, as well as my experience as a nuclear engineer, training as a nuclear engineer in the Navy, is that scientific innovation or invention does not always lead to broad adoption of new technologies or new solutions. In fact, actual broad acceptance of innovation is quite rare in actual practice. And, as a society, we tend to assume that once a new technology like solar panels or carbon capture or hydrogen fuel is first invented or innovated, it will inevitably be adopted and be a good solution for the market. However, in my experience, this simply is not the case. New technologies face their greatest hurdles after they are invented or the innovation occurs, and there are many, many hurdles to adoption, and then beyond that, even into broad acceptance into our society. New products face significant difficulties expanding. This is quite clearly captured in a term coined “crossing the chasm” by Geoffrey Moore. There’s a number of excellent scientific studies on the cycle of innovation, adoption that had been done for many, many decades.

So I hear from my colleagues across the aisle that every regulatory action by the EPA is urgent and necessary to save the planet, but I would urge you to place an even higher emphasis on a priority to stop impoverishing working families through higher energy costs. In my State of New York, extremist environmental policies have rapidly driven up energy costs for ratepayers. It’s a regressive tax that is unfair, sir. Specifically, I’m concerned that the EPA and this Administration have failed to properly consider the—this issue of crossing the chasm and the cost and difficulties of scaling up and implementing new technologies.

Take the proposed section 111 rule that EPA released earlier this year. This rule, if implemented, would burden existing natural gas plants that we rely on for power today with strict and unrealistic regulations to employ carbon capture and hydrogen fuel blending, which there are many technical challenges to, including hydrogen embrittlement of metals. Many of the utilities who will be subject to this rule have warned that bringing these technologies online and in commercial scale will require hundreds of billions of dollars of new investment. This doesn’t take away from their profit. This

gets passed on to ratepayers and will significantly increase energy costs for consumers and businesses.

So under your leadership, is the EPA and the mandating of these massive technology investments by utilities, are you accounting for the rapid rise in energy cost to all Americans?

Mr. REGAN. Well, all of the technology standards that we propose do take economics into consideration. I think that affordability and reliability, along with the technical availability, is what we are discussing. And I think we proposed a rule. We've received a lot of comments. In the past two to three weeks I've met with multiple utility CEOs. I've met with—my team has met with grid reliability experts. Congressman Bill Johnson convened a very productive conversation around these very topics. The proposal is just that, and we will continue to evaluate the comments that have come in, engage with industry, our ratepayers and others, and hopefully the final rule will reflect something that is ambitious but also doable.

Mr. WILLIAMS. In the folks that you listed that were at the table, I don't hear strong representation, except through elected Members like myself, of the helplessness that working families feel for forces that are being put upon them, costs that are being put upon them, quite honestly, sir, by your agency in the mandates that you require, that are simply unaffordable. It is literally—

Mr. REGAN. I—

Mr. WILLIAMS. I'm sorry, it's literally impoverishing working families. Please respond if you'd like, but my time has expired, so—

Mr. REGAN. Well, I'd just like to say that I think Congressman Bill Johnson did an excellent job representing that constituency and bringing people to the table that my staff met with. We are meeting and talking with everyone because we understand the impact of the work that we do.

Mr. MILLER. Thank you, sir.

Mr. REGAN. Thank you, appreciate it.

Mr. MILLER. Ms. Caraveo, five minutes of questions, now recognized.

Ms. CARAVEO. Thank you, Mr. Chair. And I also have been heartened by the return of Chairman Lucas and would like to thank him and Ranking Member Lofgren for holding this hearing today. And thank you, Administrator Regan, for coming to speak with us.

As you may know, my district is home to Suncor, which is Colorado's only major petroleum refinery. It is a critical piece of local energy infrastructure and our economy, so much so that if we see issues at the refinery with production, my constituents feel the pain at the pump, and I agree that that affects working families.

That being said, this refinery is right next to underserved communities, and their emissions are compounded on the other air pollution in the Denver metro area, and so generations of children have grown up around this polluting entity. I've seen that impact in my clinic where I treat countless children who suffer from asthma because of these harmful emissions.

That is why I was encouraged to see the EPA award R&D grant funding to institutions that are doing research to address the drivers and environmental impacts of energy transitions in underserved communities. Some of these projects even address the exact

situation some of my constituents find themselves in, which is living directly across from petroleum refineries.

So what is the EPA hoping to learn from the research being done at these universities, and how do you see it affecting the important work that you all do?

Mr. REGAN. Well, thank you for that question, and I think the research, it will help do two things. The first is we see constantly the juxtaposition of people having to choose between employment and breathing air and living, and so it's a very tough situation. And so as we think about the transition to a cleaner economy, we have to think about the communities that are there that we don't want left behind.

What we hope to learn in our research are a couple of things. The first is understanding the total economic impact to these communities, while also asking some of these facilities to pursue cleaner technologies. At the end of the day, EPA's focus is on advanced technologies that reduce emissions. If refineries and other constituencies can find that technology that allows for them to move forward and keep communities safe, that is priority No. 1.

I think the intersection of that is cost, and so the question becomes if the refinery cannot find a cost-effective way to protect the communities, what happens then? We are doing a lot of research to make sure that we're working with the industry and the communities so that they transition together and no one is left behind.

Ms. CARAVEO. I appreciate that balance, which is something that in districts like mine we strive for every day, making sure that we're protecting communities, but also knowing that impacts on their pocketbooks are real.

If the research the EPA conducts is successful, what would you recommend that Congress look into to authorize programs that might uplift the results of these projects?

Mr. REGAN. I think that we have a broader administration-wide program looking at communities that are transitioning that we are participating in that involves DOE and USDA and others. I think, collectively, we will have some reporting that will come back to Congress that demonstrates that we can responsibly either add controls to protect communities or transition in a way where we don't leave anyone behind. So I would just ask Congress to be on the lookout for these results. These are very good, solid results that are coming from multiple agencies. We're working together on that.

Ms. CARAVEO. I appreciate that work and certainly we'll be on the lookout for those results.

Switching gears, I wanted to talk to you about West Nile virus. In Colorado, we are unfortunately leading the Nation in the number of cases being reported. We tend to do that most years. And I recently led a bipartisan effort to Secretary Becerra asking him to put together a Federal response to this uptick in cases, which may be worse next season, depending on our water situation.

The reason I wanted to talk to you about West Nile virus is that because of the role stormwater infrastructure has, whether it's ineffective or lacking in playing into the rise in these cases, excuse me. We've had a very wet year in Colorado, which we appreciate in the West, given our—that we're usually in a drought, but because of that, our stormwater infrastructure just hasn't been able to keep

up with the process and the amount of water that we've gotten in an efficient manner.

The *Bipartisan Infrastructure Law* authorized the creation of Centers for Excellence for Stormwater Control Infrastructure Technologies in the last appropriations bill, so I was just hoping for an update on where you are with standing these centers up.

Mr. REGAN. We're excited about these centers, and we recognize that stormwater control is key to West Nile and so many other issues. I think that money is flowing through the process, and in this case, we are setting up these centers, but we also have State funds that receive resources annually. And as the States apply for these billions of dollars, we're judging their projects based on the solutions on the ground, which this is one that we're closely looking at.

So I think there are two categories there. I think there are the State funds that come annually that EPA doles out where we are really grading these States on exactly what problems they're solving, but we also have these research centers that we're actively working to stand up.

Ms. CARAVEO. Appreciate it. Thank you.

Mr. REGAN. Thank you.

Mr. MILLER. Thank you. I now recognize Mr. Garcia for five minutes of questioning.

Mr. GARCIA. Thank you, Mr. Chairman. And thank you, Mr. Administrator, for being here. Thank you for your service to our beautiful country.

Hey, I want to start by capturing something you said early on and just having a discussion around that. You said essentially that the mission is to protect the environment, but also to protect economic development and that they're not necessarily mutually exclusive, and your charter is to try to maximize both of those missions. Would it be fair to also include in that the premise that national security should also be a primary measure of merit in your mission?

We have in my district—I represent a north L.A. County district, which when people hear Los Angeles, they don't think of necessarily the terrain in our district, wide open, high desert. We have though, in the middle of my district, one of the most critical national security assets in our country. It's called Plant 42. This is where we are currently building the next-generation stealth bomber, the B-21. It's about 30 percent of the F-35 production is done at Plant 42. The next-generation air dominance vehicle is there. It's taken close to a century to build this, and to replicate this Plant 42 anywhere else in the country, the carbon footprint of rebuilding that would be massively prohibitive to the environment but also economically. The workforce is all there.

You have a new proposed rule that basically changes the way these businesses that operate there. It's a part-government facility, but also a part-industry facility. And this *Clean Air Act* Change is basically changing the practice of measuring emissions for future growth opportunities. When they bring in a new piece of hardware, the legacy way of compliance was to look at the average emissions that that new hardware or that new facility would put out. The rule change that you've proposed is to actually—instead of taking

the average emissions as a projection for offsets, to take the highest level of emissions for that equipment or that facility in the determination of offsets, which isn't really rational. It's kind of arbitrary and capricious to say, hey, in order to put a piece of equipment here, I'm requiring you to offset to the highest emission output rather than the average of that service life.

I'd like for you to touch on this because I've got, you know, local elected officials in Palmdale and Lancaster—and, by the way, many of them are Democrats and they're also conservationists, which I am. I want to protect our environment and protect our planet. But their hair's on fire about this because—and by the way, you know, hair on fire has a carbon footprint as well, which we're trying to avoid all fires, right? They're fearful of losing the economic development, and I'm fearful of that, but also, the national security implications of threatening these very precious—these are the crown jewels of our Nation's security right now within the DOD.

Can you talk to what their scientific rationale was for going to a worst case emission mindset rather than an average emission for new development either projects or assets being put into these facilities?

Mr. REGAN. Yes, I think—and I think you're referring to our PM (particulate matter) NAAQS (National Ambient Air Quality Standards) rule, which we hope to finalize soon. Listen, we've taken a lot of comment in on that proposed rule. I will say that when I propose rules of this magnitude, I do consult across multiple agents.

Mr. GARCIA. I appreciate that—

Mr. REGAN. And—

Mr. GARCIA [continuing]. But I get less process and more the rationale for why you're landing on this.

Mr. REGAN. Well, I think we've seen in our prior PM NAAQS rules that we've left a lot of people unprotected, and so this—

Mr. GARCIA. What does that mean, unprotected?

Mr. REGAN. We have seen adverse health impacts from PM2.5 all over the countries—all over the country in ways that escaped our previous rules. So when we looked at this new rule, we looked at how could we design this rule in the most protective manner, while also recognizing that the State implementation planning process is a process where you can build in compliance flexibilities to achieve—

Mr. GARCIA. OK. So we have flexibility to get waivers for Plant 42?

Mr. REGAN. Well, there's flexibility that—the State will have flexibility in the State implementation plan that they'll work on with the Federal Government to be sure that they can comply with this rule in a way that takes into consideration, No. 1, the population surrounding; No. 2, the national security interests as well.

Mr. GARCIA. OK. I think that's very important because when we say we want to protect everyone, I don't disagree with that statement, but the assets being developed there are meant to protect the entire country, frankly, and our allies from this very real China threat, and disincentivizing these programs from growing and expanding is very dangerous to every single human being in this country and even around the globe. So with that, I urge—I encourage you to look at this again and figure out how we can actually

support protecting the environment and national security because they are not mutually exclusive in this case. You are compromising our Nation's security with this rule as it's currently written.

I'm out of time. I yield back.

Mr. MILLER. Thank you. I now recognize Ms. Lee for five minutes of questioning.

Ms. LEE. Thank you, Mr. Chairman and Ranking Member Lofgren. And thank you, Administrator Regan, for honoring this Committee's invitation to be here today.

As the first Black woman to represent Pennsylvania in Congress, I recognize the weight of responsibility on your shoulders as the EPA's first Black leader. You're tasked with leading an agency that works to address and combat environmental racism and the lingering effects of redlining that they've had on the quality of air and water in our communities.

Last week, Secretary Granholm from the Department of Energy sat before this Committee, and I had the pleasure of discussing with her the amazing things going on in my district and the abundant opportunities the future holds for clean, renewable energy economy in the region. Today, I look forward to discussing with you the opportunities we have and must take to rectify the mistakes of the past that separate it, stifle it, and at times utterly destroyed environments in communities that have been prominently populated by Black and Brown individuals.

I'm not OK with communities like the one I'm from, the Mon Valley of western Pennsylvania, being sacrificial lambs in the name of continued fossil fuel exploration, for example. Having a good job and a strong economy does not mean we have to undo every piece of environmental policy we have fought for for decades. Clean water and air are priceless and precious gifts that far too many people in our country have not been afforded.

You can tell how long you're likely to live, whether your children should expect to develop asthma or COPD (chronic obstructive pulmonary disease), or if the water flowing through your pipes will poison you all, based on the ZIP code you live in. Why should communities be defined by five digits that are often beyond one's control? We all deserve to have air and—we can breathe—excuse me, air that we can breathe and water we can drink that will not end our lives prematurely. We all deserve leaders who will fight for the marginalized and the vulnerable in our society to ensure we can all enjoy our unalienable rights to life, liberty, and the pursuit of happiness.

That said, Mr. Regan, how is the EPA ensuring that communities are being better equipped to advocate and protect themselves from environmental polluters?

Mr. REGAN. Well, thank you for that, and I agree with you that ZIP code doesn't matter. Race shouldn't matter. How much money you have in your pocket shouldn't matter. And so we have stood up an entire national program office, the Environmental Justice and External Civil Rights Office, to be sure that every single leader across the EPA is coordinating and ensuring that everyone has a fair seat at the table.

This sort of touches on the question I was just posed, which is why are we doing the PM NAAQS differently. It's because we've

seen that the NAAQS has not been protective of certain communities across the country, and so I believe we can do both at the same time. The way you do that is bring the community in, have conversations, and have them as a part of the solution.

We're also setting up technical centers all across the country, \$10 million in 17 centers all across the country, to partner with communities. Let me just say this, solutions don't start at the top, and we don't pretend to have all the solutions for the communities. It's high time that we get these Federal dollars to these communities that have had these solutions for decades. Part of that is through the \$3 billion of the environmental justice and climate resources that come from *IRA*, but it's also part of Justice40. So we have the metrics built in place to ensure that communities are involved. We've set up a national office, and everything we do is through that lens of equity and inclusion.

Ms. LEE. Thank you. Last year, you completed your Journey to Justice tour, spotlighting environmental justice communities across the Nation that have far too long been neglected or ignored. As you may be well aware, most existing pipeline infrastructure is in closest proximity to communities of color. I helped successfully lead the *Abandoned Well Remediation Research and Development Act* through this Committee to support research and development into reducing methane emissions from abandoned mines across the country. How is the EPA using research and development into modeling to mitigate the emissions impacts to communities that have historically borne the most adverse socioeconomic and health outcomes from the development of energy resources?

Mr. REGAN. Well, as we've looked at the new proposed technology standard to control methane emissions, we've actually had industry come to the table and say we're losing product. We're poisoning our people in our communities. We believe there's a technological solution, and we believe that there are technologies that exist today but will exist in the future that we have not quite thought through. So we are working on a very flexible regulation that takes into consideration technological advancement, but we now have the environmental justice communities at the table. We now have the NGOs at the table. We now have the industry at the table. And in concert with our regulations, we're matching that with these historic resources that will allow for localized solutions, Federal regulations, and all of this partnership to spur.

Ms. LEE. Thank you. That's my time. Thank you for your time today.

Mr. MILLER. Thank you. I now recognize Mr. Franklin for five minutes of questioning.

Mr. FRANKLIN. Thank you, Mr. Chairman, and thank you, Administrator Regan, for your time with us today, and you've been very candid in your responses, and I appreciate that.

I want to kind of follow up on the questioning that my colleague Mr. Williams talked about before crossing that chasm, as well as the security implications from my colleague, Mr. Garcia. But it's my understanding that the EPA is in the process of finalizing regulations that are ultimately going to rapidly increase the sale of both passenger electrical vehicles as well as medium and heavy duty electric vehicles for everything from delivery vans to long haul

trucks. A June report by the U.S. Chamber of Commerce found that EPA's regulatory analysis of its proposed power plant rule ignores massive amounts of electricity demand resulting from EPA's own EV and hydrogen mandates. And this report—and I'm not sure if you've seen it or not, but—from the Chamber of Commerce says that the EPA is ignoring 371 terawatt hours of electricity demand resulting from its own rules, and that this is equivalent to almost nine percent of the nationwide demand or 1 1/2 times the electricity used each year in the State of California.

It's easy for Administrators to claim that a proposed rule doesn't cost anything if it ignores the real-world costs that are required to comply with it, but that's not the reality. And I understand that even good ideas, depending on the timing and how they're implemented, can have unintended consequences, and that's a tough position you're in, judging the how do we implement advanced technologies, while making it cost-effective, also protecting our national security? Is it fair to say that these proposed rules, if finalized, will add significant demand to our electrical grid?

Mr. REGAN. Well, it's sort of frustrating to hear that when I've sat in front of utility CEOs who are talking about the new demand that will come and what we need to work on is reliability and affordability. And I sit with my staff who do the proposed rules for cars, trucks, and power plants, and they're working for hours to make sure that these things work together. So we recognize that demand shifts, that there are new technologies out there, and that the utility providers will have a new constituency, while another constituency is sunsetted.

So I think the business models that the private sector is looking at both on the transportation side and utility side are speaking to one another. We are taking these things into consideration. And again, I think we've had a number of conversations on reliability, cost, and affordability. What we've done is proposed a rule. We've received over 12,000—11,000, 12,000 comments. I've been in conversations with utility CEOs since the proposals. All of these things should reconcile themselves through the comment period, and hopefully, we'll end with a final rule that doesn't do what you describe but do something that's more in harmony with the economy, protecting the planet, and with where product and technology is going.

Mr. FRANKLIN. So you do think then that the EPA's aggressive timelines, with those in mind, that the Nation's power grid is going to be able to keep up with what you're pushing on a fairly short period of time?

Mr. REGAN. I think what we're doing in real time is analyzing the comments and the data that we're receiving from the industry, from the grid managers, from technology providers, and making sure that we're all working with the same data, and then we can determine whether or not the timelines align or that our assumptions are correct. So we've taken a lot of comment in. We're combing through that data. We're having a lot of conversations. And proposals are never perfect. You put out proposals to see comment. The good thing is EPA is listening.

And by the way, we do not want to jeopardize this country's global competitiveness. We don't want to rely on China. We want to fig-

ure out how we can corner the market with these technologies and these rules and provide long-term certainty for these long-term investments.

Mr. FRANKLIN. Well, I hope you're right, but as we've seen even this week, you know, Ford was in the process of doing a big plant in Michigan that was going to do batteries, but that was in conjunction with a Chinese manufacturer and investments, and they've now put the skids on—put the brakes on that. There's a lot of concern that we're pushing at a pace that our own auto industry is not going to be able to keep up with. Would you agree with that assessment or not?

Mr. REGAN. Listen, I would say we're in conversations. I mean, our auto industry spends \$3–4 million running Super Bowl commercials about how quickly we're going to electrify America, and then we also see the realities of the data they provide. There is a reconciliation of what's truth versus what is advertisement and what we are capable of doing, and we are carefully looking at the facts versus the commercials. And I would say that I think that what we've proposed is reasonable, but we're going to take that data in, and the final rule should actually reflect what the auto industry can do and what the power sector can do.

Mr. FRANKLIN. Well, I would just ask that, as you make those assessments, that you do fairly weigh all the costs and the impacts and not just some of the ones that selectively help make the case. But I appreciate your time, and, Mr. Chairman, I yield back.

Mr. REGAN. Thank you.

Mr. MILLER. Thank you. I now recognize Ms. McClellan for five minutes of questioning.

Ms. MCCLELLAN. Thank you, Mr. Chairman, and thank you, Administrator Regan, for being here today and for your work to protect human health and environmental justice in our communities across the country.

It is my fundamental belief that everyone, regardless of ZIP code, socioeconomic status, race deserve to breathe clean air, drink clean water. And to that end, the work that the EPA and the Biden-Harris Administration are doing for environmental justice is critically important because business community has always had a seat at the table. Utility CEOs and their lobbyists and lawyers have always had a seat at the table. Who has not always had a seat at the table are the people in the communities where power plants go, where pipelines go, where often they destroy communities. They destroy historically Black or indigenous communities, or they're concentrated in communities where people don't have a voice. They have an overabundance of pollutants, and not surprisingly, end up with some of the worst health outcomes. And I represent a lot of those communities like Charles City County or Hopewell, which, as you know, has a number of power—chemical plants that have repeated violations of EPA rules. And you and I have exchanged some correspondence around that.

And so I wanted to follow up on Representative Lee's question about how EPA is empowering the communities that are affected by repeated toxic chemical exposure or an overabundance of projects in their area that leads to more pollutants. If there's anything else you'd like to add to your answer to her or, more impor-

tantly, tell us how Congress can help you do your job to give these voiceless communities a voice and a seat at the table?

Mr. REGAN. Well, thank you for that. And I can say that Congress has done an excellent job in the *Inflation Reduction Act*, awarding \$3 billion for environmental justice projects. That is one way money is talking and actually will bring people to the table with resources and the technical capabilities to not just be at the table, but participate in the conversations.

Listen, I've said from day one that EPA will use its full enforcement authority where we see people cheating and violating, especially in these communities that are disproportionately impacted. I think we have a track record that represents that. I've also done a Journey to Justice tour to highlight for the Nation that in 2023, we still have communities that have a lack of access to clean drinking water, disproportionately impacted by PM2.5 and other pollutants. And so we are designing our policies and regulations through that lens of environmental justice, we're using our enforcement arm, and we're designing programs to be sure that communities like the one you just laid out will have access to that \$3 billion so that they can fund solutions that are on the ground.

Ms. MCCLELLAN. Thank you for that. And earlier this year, I led a letter to the EPA in support of protective mercury and air toxic standards for power plant emissions, and along with a few of my colleagues on this Committee sent a letter calling for strong and transparent regulation of PFAS and plastic containers under the toxic substances rule. I look forward to updates from you on this. And with a government shutdown or long-term continuing resolution on the horizon, I'm interested in hearing about the impacts either would have on the EPA's ability to provide assistance to those communities that need it most. And so can you talk about the impact that either a shutdown or a long-term continuing resolution would have on your work protecting these communities?

Mr. REGAN. It continues to make our communities vulnerable if we don't have the personnel on the job focused on community outreach, ensuring that these communities are competitive for grants, ensuring that they have a seat at the table as we think through how to design regulations. It continues to disproportionately impact those who are already burdened. So a shutdown doesn't do our economy any good, doesn't do any of us any good, but it especially disproportionately harms those who are on the frontlines of pollution.

Ms. MCCLELLAN. Thank you. I agree wholeheartedly and again want to thank you for your work. Given these communities that have over the years and, in some cases, over the past century been overburdened by pollution in the name of energy and making sure that you are helping to give these communities a voice and a seat at the table going forward, as well as addressing the disproportionate impact that environmental policy and industrial policy decisions have had on those communities. Thank you very much.

Mr. REGAN. Thank you.

Ms. MCCLELLAN. I yield back.

Mr. WEBER [presiding]. The gentlelady yields back.

The gentleman from Tennessee who is quite the nuclear expert is recognized.

Mr. FLEISCHMANN. Thank you, Mr. Chairman. And, Mr. Administrator, I actually did want to come back specifically. I've been at a nuclear event and I left and I came back. I wanted to extend my sincere thanks to you and your folks at EPA.

For over 12 years, I have worked very hard in the nuclear legacy cleanup area. I represent the Oak Ridge Reservation. We worked very hard. And I heard your comments about how you worked so well with the Department of Energy, with the Department of Energy to get a new disposal cell. We needed a disposal cell.

Mr. REGAN. Yes.

Mr. FLEISCHMANN. We could not have gotten that completed without the help of our local and State partners and the Department of Energy. And then if you will recall, sir, you were kind enough to take my call quite some time back, and your agency finally signed off on that. So you are partners, and you actually sent people to the groundbreaking that we did a couple of months ago, so my sincere thanks for that. Our entire community in Oak Ridge will benefit for that and the legacy environmental cleanup can continue, so thank you, sir.

Mr. REGAN. Thank you. And I would like to say that your call, our conversation, your partnership, we would not have gotten it done without that effective communication, so I appreciate your leadership on that.

Mr. FLEISCHMANN. Thank you, sir.

If I may, Mr. Administrator, I have a question from our friends, our home builders. We've heard from them, despite EPA and the core announcement that the confirming WOTUS rule was immediately effective upon publication in the *Federal Register*, most Corps districts are still unable to process requested approved jurisdictional determinations. Our constituents are reporting that the Corps field office staff is still waiting for guidance on implementing these recent WOTUS—the recent WOTUS rule from EPA and Corps headquarters. Unfortunately, the rule did not define key regulatory terms. These include “relatively permanent” and a “continuous surface connection,” two concepts of Federal jurisdiction under the Sackett ruling. The Agency's failure to provide a clear definition of these two terms is paralyzing Corps districts from beginning the Federal wetlands permitting process.

We're in the midst of a housing affordability crisis across the Nation due to inflation and regulatory red tape. The cost of homes is skyrocketing. My question, Administrator Regan, how is the agency staff interpreting key terms like “relatively permanent” and interpreting “continuous surface connection” in the field? And when will the interpretive guidance regarding these definitions be shared with the public? And I thank you, sir, for your response.

Mr. REGAN. Thank you. And I'll get back to you on the exact date of that interpretive guidance. What I'll say is we have been working very closely with the Corps to sort of walk and chew gum at the same time. I think we are working on how we can do this interpretation in a legally safe way, while responding directly to the Supreme Court. The Supreme Court spoke. They gave a very precise ruling. We are now trying to put a rule in place that responds directly to that.

I'll say we don't want to appear to be trying to be cute. We are trying to respond directly to the Supreme Court, while also working with the Corps on some of these very timely issues and reconcile that process. I will have my staff follow up with yours directly on some of these jurisdictional determinations, but it's my understanding that we are doing a pretty good job getting some of these out while trying to respond to the Supreme Court.

Mr. FLEISCHMANN. Yes, sir. I thank you for your response, and again, my thanks for all the work that you've done with us in Oak Ridge and DOE. Thank you, sir.

Mr. Chairman, I'll yield back.

Mr. REGAN. Thank you.

Mr. WEBER. Mr. Casten, you are recognized for five minutes.

Mr. CASTEN. Thank you, Mr. Chairman. And thank you for being here, Mr. Secretary.

I'd like to ask you some questions about how you're thinking about carbon CO₂ pipelines and regulation, which seems to be a lot of them going up right now and changing some of the frameworks, at least as I understand them, and hopefully you'll clarify for me. I started—maybe this is a bad analogy—but thinking about that if you—if I was to apply to build a natural gas pipeline, the permitting for that process would be largely independent, maybe entirely independent of the permitting of downstream uses, you know, somebody installing a boiler or a gas turbine or, you know, the combustion source would be an independent permitting process.

So I guess my first question is, if somebody is applying for EPA review of a CO₂ pipeline, will that permit be independent of the permitting of the injectionsite downstream where the CO₂ is going to be stored?

Mr. REGAN. So I think right now, what we're seeing actively occur is EPA go through the Class VI well permitting process, which is squarely in our court. I think we have in our proposed 111 rule carbon capture technology as one of the technologies of choice. And as we think through the comments and finalize that rule, obviously, there's a larger conversation, as you are aware, just looking at permitting efficiencies across the government. We just don't own the whole pipeline permitting process.

Mr. CASTEN. Well, so let me—and I'm sorry to interrupt, but the reason why I asked that first question is because the only reason we're building these CO₂ pipelines is because we want to permanently sequester the CO₂, right, which is a function of both the pipeline operating and the injectionsite being permanent. And so, as you review these permits, to what degree are you requiring, throughout that entire piece of infrastructure, that the CO₂ is permanently stored?

Mr. REGAN. It depends on when the applicant provides the permit. We have applicants right now who are forecasting, who are looking for Class VI wells. Obviously, when you go through the pipeline permitting process, our role in that is a 401 water certification process. So we would have to have the project in hand and work on a real timeline. I think that DOE, EPA, Army Corps, we're all working through streamlining our permitting processes through the hypothetical, but the entry point by which these project starts really do matter, and some are starting at the Class VI and some

may start with another permitting process that might start outside of our agency. We're trying to get our arms wrapped around that as a government and working with the private sector to be sure that we're all working from the same sheet of music.

Mr. CASTEN. OK. Well, let me maybe try this another way then. If I submitted a permit that said I have a high degree of certainty that half the CO₂ I put down is going to leak out 10 years from now, would that permit be approved?

Mr. REGAN. It just doesn't happen that way. I think what would happen is someone would put in a permit for a Class VI well and demonstrate that carbon would not leak into the ground and have an impact on water quality or pose safety issues. That is the way the permit comes into EPA. I just can't be the grandmaster of CCS (carbon capture and sequestration) projects because Congress hasn't given me that authority.

Mr. CASTEN. Well, OK, but there are pipelines being built that they're going through. And what I'm trying to get my head around—and by the way, we've sent a long list of questions—

Mr. REGAN. Sure.

Mr. CASTEN [continuing]. And hopefully, we can clarify this with your staff, but what I'm trying to get my head around is if I build a site that has a permanent pollution risk, you know, maybe, you know, some manufacturing site with a disposal issue—and I say this as someone who, you know, used to build a lot of power plants—I would often have obligations to place some permanent amount in escrow for permanent liabilities, right? We're now sitting here saying we're going to build these assets that are obligating ourselves to store CO₂ underground not for the next Administration, not for the life of this asset, not for the life of this company, but for geologic time.

Mr. REGAN. Sure.

Mr. CASTEN. And if you as the EPA Administrator are providing these permits that are essentially making a promise over geologic time, who bears the liability if there's a leak?

Mr. REGAN. So what I'll say is there are two ways to look at this. The first is EPA can approve these Class VI well storage permits, and we're also going through the process where the States are asking for that delegated authority. There's an accountability measure built in both the Federal and State process to hold the depositor of that carbon or whatever it is. They have the accountability to ensure that it will not impact the environment or public health. So the accountability relies to the person applying for the permit. They have to meet certain thresholds in order to receive the permits.

Mr. CASTEN. OK. Well, I'm out of time, but let's just—let's continue the conversation because we've got way too many examples of that risk being, you know, somebody bankrupts out of the risk and all of a sudden the risk is borne by the community, which I know you've been a strong advocate for protecting those communities. And, as I sit here, it's not clear to me that we aren't just punting that risk on to future generations.

I yield back.

Mr. REGAN. Some of that is built into our statutory authority, but we can talk further.

Mr. WEBER. The gentleman yields back. And we're fixing to talk further. I recognize myself for five minutes.

Mr. Regan, we're glad you're here. In December—following up on what Mr. Casten was asking you about—and he's pretty good straight man, by the way. In December 2022, Texas filed its application to take that primary responsibility for the permitting of geologic carbon sequestration facilities as class 6 injection wells. Now, let me give you a little side note about my District 14 in Texas. We have the largest carbon capture sequestration storage facility in the country in Port Arthur, Texas, OK? While EPA staff has stated that they were able to apply lessons learned from Louisiana's recently approved application to this Texas application, the final Louisiana rule has not been published in the *Federal Register* for comment. Are you aware of that?

Mr. REGAN. Yes, I am—

Mr. WEBER. OK.

Mr. REGAN [continuing]. Aware of where we are in the process.

Mr. WEBER. So could you give us a timeline for Texas' primacy application reaching a decision point and hopefully being published in the *Federal Register*? Would you give us a timeline for that? Would it be within a year?

Mr. REGAN. Well, what I'd say is I think as recently as August, Texas has submitted the materials for the Class VI application.

Mr. WEBER. Oh, then you'll have it done by the end of the year.

Mr. REGAN. So we're looking at the completeness of that application. Let me let my staff get back to you on the steps and the timeline, but let me just say this. What I've pledged to the President and this Administration is Class VI wells play a significant role in leveraging and using CCS technology to combat the climate crisis. So at EPA, we want to move as quickly as possible, but we want to be sure, we want to be sure that the States have followed all the rules to do that so that we can protect our communities as well.

Mr. WEBER. Well, I'm glad to hear you told the President that, but you also committed to Congress that you were taking steps to speed up the Class VI permitting timeframe to two years. So would you commit to two years here today?

Mr. REGAN. I think whatever we've committed to on the record and whatever my staff is committed to we can commit to. And I think there are lessons learned from both West Virginia and Louisiana that will help us meet the mark that we've committed to.

Mr. WEBER. OK. Well, we're quickly approaching a year of no action, so if we're going to hit that two-year timeframe—

Mr. REGAN. Well, let's be clear, though, and I think the State of Texas would agree, as of August, the State of Texas is saying that they turned in their application. So the application hasn't been at EPA for a year. The State of Texas as of August is saying, we have now turned in a completed Class VI well application.

Mr. WEBER. We will have that discussion—did you learn any lessons from the Louisiana permit that would help you expedite this process?

Mr. REGAN. Absolutely. I think we've learned some best practices. I think we've learned some ways we can more efficiently engage communities and bridge the gap between the State outreach

and community outreach to build trust in this process. So this is a sensitive issue, as you know, for lots of people, so I definitely think we've learned some efficiencies.

Mr. WEBER. Well, from the outside looking in, it looks to us like the EPA is waiting to complete the review and finish the Louisiana process before it goes on to the Texas process, and I was hoping you all could walk and chew gum at the same time.

Mr. REGAN. We can.

Mr. WEBER. But that's not the case. OK. Well, obviously, it's my home State, so I'm interested in it.

In your discussion with Congresswoman Salinas, I forget exactly what she was asking about, but you mentioned the fact that the EPA watches the market to keep the United States competitive. I don't know if you remember that exchange or not.

Mr. REGAN. Yes.

Mr. WEBER. OK.

Mr. REGAN. Yes.

Mr. WEBER. And so now we move on to regs for businesses where you've got greenhouse gas reporting, for example. You had that discussion with Congresswoman Tenney sometime after the discussion with Congresswoman Salinas. When you talk about greenhouse gas reporting requirements, do you, in that instance, consider the cost that's going to be imposed on those businesses?

Mr. REGAN. We do. We've had a Greenhouse Gas Reporting program in place for 15 years that the larger emitters participate in, and then we have—I believe the question was posed, the center that really focuses on a voluntary program where the corporate interests have come in and asked us for technical advice on how to quantify their greenhouse gas emissions.

Mr. WEBER. So if you consider the cost, back to what you said with Congresswoman Salinas where you want the U.S. market to be competitive, you specifically, rightfully so, mentioned China earlier in some of your comments, what matrix do you use to compare those costs to the marketplace, No. 1? And No. 2, is there a separate part of EPA that does that or who does that?

Mr. REGAN. Basically, what we do is we look at the goals we set for emission reductions based on economic vitality and technological availability, and—

Mr. WEBER. And that's U.S. versus China?

Mr. REGAN. It's looking at—yes, it's looking globally. How can we look at cost-effective technologies that as—you know, as we know, many of our companies are international companies. And so I spent a lot of time talking with CEOs about this and spent a lot of time with Governor Gordon in Wyoming and Governor Burgum in North Dakota. We want to position ourselves to export these technologies to countries like China and India as we compete globally to reduce these carbon emissions. And so EPA does take all of this into consideration.

Mr. WEBER. Glad to hear that. I just want to make one more final comment. We need to—our grid needs to be resilient and needs to be growing. The permitting needs to be fast. There's a move to push for a lot of electric vehicles. Back in the day when something got ahead of something else, we used to say we were putting the cart before the horse. You remember that?

Mr. REGAN. Yes, I do.

Mr. WEBER. It looks today like we might be putting the EVs before the horse. We've got to be careful.

I'm going to yield back, and before I do, I want to say, Mr. Mullin of California, you are recognized next for five minutes.

Mr. MULLIN. Thank you, Mr. Chair. And thank you, Administrator Regan, for being with us today.

I won't belabor the point you made and others have made about the critical role that EPA plays in the urgent fight to address climate change. In my district in California, we know firsthand how quickly we need to act on climate. Earlier this year, we saw unprecedented atmospheric rivers, causing devastating flooding in my district in the San Francisco Bay area.

The White House National Climate Advisor Ali Zaidi told Bloomberg News this week, the effects of a lapse in appropriations from a government shutdown would be seismic and cascade not just through the Federal Government, but into the real economy, into our ability to support communities and protect them. Bloomberg goes on to note that regulators may have to stop working on regulations limiting pollution from car and power plant emissions.

So, Administrator Regan, could you reiterate for us how a shutdown could impede the rulemaking process, particularly with respect to pollution control measures and other critical regulations that directly affect climate change?

Mr. REGAN. Well, I can assure you that a government shutdown would be detrimental to any work being done on regulations that would help us stay globally competitive and take advantage of technologies that we want to corner the market on or whether it be regulations to protect our most vulnerable communities, our children from horrible soot and PM2.5 pollutants as well.

We are doing critical work to stay ahead of these wildfires that we're seeing all across the country, and we have to be in a position where our staff is doing the research and can stay ahead so we can alert our communities of the adverse health impacts that come from the smoke. We're also trying to respond to the drought situation that we're seeing from climate impacts as well.

So what you do is you reduce our ability to respond to these climate impacts, you slow our ability to regulate PFAS and other emerging contaminants, and you prevent us from protecting public health.

By the way, I would say that those inspectors that are on the job to ensure that our water infrastructure is following the rules so that we have safe drinking water, those inspectors will be relegated to their homes if we have a shutdown.

Mr. MULLIN. Thank you for that. So switching gears just a bit, in June, I introduced H.R. 4296, the *Weatherization Resilience and Adaptation Program*, or *WRAP Act*, which would help low income homeowners, manufactured home communities, and affordable housing providers protect their homes from the disastrous effects of climate change. As part of such a program, various agencies, including EPA, would have a role to play in setting standards and guidance for communities on how to make homes and property more resilient and adapted to a changing world.

In your testimony you mentioned the EPA's research in this area, helping communities improve their resilience to floods and wildfires. You mentioned how the Agency is studying natural solutions to coastal resilience such as using native seagrass to store carbon. Could you share just a bit more about the research EPA is doing in this regard, and also talk about how you are coordinating on this research with other agencies such as NIST (National Institute of Standards and Technology) and FEMA (Federal Emergency Management Agency) to the extent that you are.

Mr. REGAN. Well, we are looking at a whole-of-government approach, and I would argue that, you know, whether it's seagrass that we're looking at to sequester carbon or the plethora of crops that I'm constantly talking with Secretary Vilsack about to sequester carbon or our wetlands and pocosins that help us filter pollution, we are looking at an all-of-the-above approach to sequester carbon and filter pollution through natural opportunities.

And I'd like to say that, as we look at these natural solutions, we believe that we can do a lot of them through volunteer programs, through market-based incentive programs that don't have a heavy regulatory framework associated with them. So this is an all-hands-on-deck approach. We want to be pragmatic. We want to be, you know, on that front leg really ready for the race. And I think we're doing a good job working with USDA, DOD, DOT, DOE, Commerce, all across the board to make sure we're deploying every single tool we have.

Mr. MULLIN. Appreciate the answer. Thank you for your leadership, and I yield back.

Mr. COLLINS [presiding]. The Chair now recognizes myself for five minutes.

Administrator Regan, I want to let you know we've been all bouncing around. We've got several Committees going on, but I've been following you and watching and listening to your answers, and I want to tell you, you do give thorough answers as people are talking to you, and I appreciate that. A lot of times we see people with binders, and they're just sitting there flipping back and forth just to try to figure out what the answer is, the canned answer.

But I want to go in two different areas real quick. Because the EPA is purchasing millions of dollars' worth of advanced combat equipment—and I heard a little bit about this earlier on a slightly different question—and a lot of this includes night vision. And so why does the EPA need military equipment?

Mr. REGAN. Well, and I'll give the same answer I gave before. I need to really look into this particular issue and the reasoning behind our enforcement arm making these purchases. I'd like to give an honest answer, so I'd love to get back to you on that.

Mr. COLLINS. So you're not going to war against anyone, right?

Mr. REGAN. Listen, there's no one to go to war against. I believe that our permitted and regulated constituency are partners, and we're trying to do these things together.

Mr. COLLINS. Well, you know, I guess I just want you to know, how are Americans supposed to feel about an agency—you know because a lot of us feel like that our rights are always trampled on, and especially when you're stocking up on weapons. So, you know,

I would love to have some sort of detailed answer into that, especially if there is no war on the horizon for the EPA.

Mr. REGAN. Absolutely.

Mr. COLLINS. Another area that I want to quickly go into just as—my background is trucking. I've been in the private sector for over 30 years, and this is my first term in Congress, so I've practically spent my entire life in the trucking industry, building a trucking company with my wife. And you have proposed a new rule that's going to impose more burdens on the commercial trucking industry, and so, if you have your way, these new emission standards are going to make new trucks even more expensive.

Now, they—I mean, our truck prices have gone up astronomically over the past decade, and a lot of times what you do to us has such an adverse effect because the new emission rules that we have out there, the sensors are shutting down trucks left and right. I'm sure y'all see them up and down the interstate. And a lot of times, it's over some sensor that we can't even get the sensor to replace, and it is causing a huge burden and making trucks even more expensive. And it's hurting trucking overall.

Now, with 98 percent of the trucking companies out there at 10 trucks or less, 95 percent are three trucks or less. Do you understand the hardship, the economic hardship that these types of regulations are putting on truckers, especially with small businesses?

Mr. REGAN. Well, listen, I appreciate, you know, the trucking industry and moving commerce and keeping our economy going. And we have proposed a rule. I will say that I've met with the American Trucking Association and engine manufacturers since that proposal. We've received thousands of comments, so we're combing through that. I think the points that you're making are pragmatic and rational, and we're listening to those. And so what we are trying to think through is whether or not this proposed rule really addresses the full suite of technologies that are available, have the appropriate information in terms of the costs associated, and then the timeframes that we're looking at to make some of these transitions. All of that is up for discussion, and we're in that comment period right now.

Mr. COLLINS. Well, I understand that, but what do you say to truckers that are just trying to compete? I mean, we've got high fuel prices, high insurance. What do you say to them, higher prices on everything? And they're the people out there that are moving the products up and down the road. And frankly, we feel like Washington bureaucracy, they just live in fantasyland.

Mr. REGAN. Well, I'll say that we're listening. I'll say that we have made a proposal based on estimates and technology and information. You know, a crude way of saying it is we have done things academically, and now it's time to test those theories with actuality and implementation, and we've got people sitting at the table from your industry and others that are saying, listen, your assumptions may be a little aggressive or off or the technologies may not be available as quickly as you think. We're listening to that. We're taking that into consideration.

Mr. COLLINS. Well, and I'll be honest with you, and I'll finish with this. In my career, I have seen where the trucking industry has made great strides in even fuel economy, and then all of a sud-

den the EPA will come out with some rule, and that rule will increase the amount of oil that we use in our trucks per truck and decrease the fuel—the oil change intervals and decrease the fuel mileage that you get out of those trucks and decrease the life of the engine. And it seems like—I don't know who the EPA talks to or listens to, but it's certainly not the trucking companies out there trying to make a living.

So with that, I'll yield back.

And the Chair now recognizes Mr. Frost from Florida for five minutes.

Mr. FROST. Thank you, Mr. Chairman.

Mr. Administrator, thank you so much for being here today.

My district includes the small rural community of Bithlo. Bithlo is an example of a community that has been forgotten about by government, both Federal and local. Because of illegal dumping and abandoned gas stations, toxic chemicals have leaked into the groundwater. Most folks in this community can't afford deep wells or water filtration systems, so people don't understand or know—people don't have a public water source, and it's something that we're hoping to help them fix. When we're out there chatting with residents, people are scared. They don't know what the quality is of the water they're drinking. And, as a result, residents have a higher rate of cancer, brain diseases, et cetera. And it's not just that, you know, because the community lacks real infrastructure, social programs, the environmental issues on top of that, it's exacerbated drug addiction as well. Being out there is difficult. I mean, it's a difficult situation, suicide, overdose, et cetera.

And so I had a great conversation with Regional Administrator Gettle, and she had committed to coming out to take a tour of Bithlo, which we're hoping to get on the schedule soon.

The communities with the greatest needs are oftentimes the ones without the resources, connections, or knowhow of securing the funding needed to take care of these problems. So, Administrator, how does the EPA make sure that its grants like the clean water and drinking water grants reach small communities with limited experience with the Federal grant making process?

Mr. REGAN. Well, thank you for your leadership, and I appreciate your questioning. And there's a couple of things that I'd like to say. Thanks to the *Bipartisan Infrastructure Law* and the *Inflation Reduction Act*, we have some resources that we can put to use to provide technical assistance to these communities so that they are in a competitive position to receive these resources.

I'd like to say two things. The first is, we have gone back and looked at our traditional funding at the State level through appropriations to see where the Governors are spending their money. And we've added criteria in these evaluations to ensure that communities like the one you just listed have a seat at the table and can be competitive for these resources and they're—you know, decisions aren't made arbitrarily. So right now, there's a more competitive opportunity for communities like Bithlo to be seen and heard. There's \$50 billion in water infrastructure resources coming through EPA to funnel to those communities.

The other thing I'd say is 40 percent of those resources by law have to go to communities that are disadvantaged or lower income

or lack the infrastructure to provide for their communities. So it's—your community that you just mentioned is a prime target. And then the third is, again, we have really ramped up our outreach, so in addition to that technical assistance, you now have Regional Administrators like in region 4 that will come, spend time, listen to the community, and help them think through how to work through the system to get those resources. We've got a holistic approach there.

Mr. FROST. Thank you, Mr. Administrator. What can our office do ahead of the meeting with the Regional Administrator to make sure we're in the best place to have a productive visit, right? We'll get some good photos.

Mr. REGAN. Yes.

Mr. FROST. We'll show them around, but what can we do to prepare for it so we can have some real resources—

Mr. REGAN. I definitely think that your office should ask for a meeting, which I'll make sure happens. I think that the understanding of the community makeup, the infrastructure makeup, the unique challenges that this community faces, if we understand that before we get to the meeting, we are better prepared to provide answers and some assurances. And so I think a preliminary meeting would be advisable. And listen, I think what we're learning is so many communities have been left behind. They have so many different challenges. There isn't a one-size-fit-all. The best way we can be prepared is to be armed with the information.

Mr. FROST. Thank you. What would a government shutdown mean for communities like Bithlo across the country having to live with undrinkable water, cancer-causing water? What would a government shutdown mean for those communities?

Mr. REGAN. We can't have meetings like the one you just said we're going to have. We can't have our regional experts go down Bithlo and talk through how to solve these solutions. We can't send inspectors down to be sure that the water that they're drinking is safe. We can't look at those billions of dollars that we're dedicating to small rural communities to combat PFAS and other emerging contaminants. We cannot do this work. Communities will be left behind if the government shuts down, but those communities that are already disproportionately impacted will be further left behind.

Mr. FROST. Thank you, Mr. Administrator, for being here today. I yield back.

Mr. COLLINS. The Chair now recognizes Mr. Tonko for five minutes.

Mr. TONKO. Thank you, Mr. Chair, and I thank the Chair and Ranking Member for holding this important hearing. And, Administrator Regan, thank you. Thank you for your excellent leadership at EPA. We appreciate it.

Scientific integrity is central to EPA's mission to protect public health and the environment. I applaud your efforts to prioritize and rebuild scientific integrity at the Agency after disastrous political interference during the last Administration. Scientific integrity is something that I have focused on during my time in Congress by authoring and fighting for the *Scientific Integrity Act*. Going forward, I believe it is crucial that we continue working together to strengthen and to improve policies across the Federal Government.

I was excited to see the Office of Science and Technology Policy release a framework for Federal scientific integrity in January. So, Administrator Regan, can you provide an update of the progress that the EPA has made in building and implementing an updated scientific integrity policy?

Mr. REGAN. We're excited about it. You know, under this Administration, scientists have a seat at the table, and we're listening. And, you know, it has really invigorated our employees. We're actually hoping that we'll have a new policy as a result of the leadership you've demonstrated by this winter, new guidance, a new way of instilling confidence that science, not politics, lead the way.

Mr. TONKO. Thank you. And, Administrator, can you speak to the role of EPA's Scientific Integrity Office in providing advice to employees and addressing potential issues before they become full-fledged violations of the Agency's scientific integrity policy?

Mr. REGAN. We take it very seriously, and I'm excited to see cooperation at all levels within the Agency to be sure that we are not prohibiting the best available science to move forward. We're also responding to the OIG's recommendations of how we can do that better. I personally have had a number of conversations with our Inspector General on how we can really follow the guidance that he's given us. So I will say I'm very proud of the scientific integrity process at EPA. It's something that's taken serious by all of our leaders, and I think we are seeing the Agency make significant strides in this area.

Mr. TONKO. Wonderful. And how important is it for EPA employees to feel comfortable bringing complaints to and seeking advice from EPA's scientific integrity office?

Mr. REGAN. All of our employees must know that their work will be done and received in good faith and not face any kind of retribution. We want to follow the science. We want to follow the law. That is our mission. That is our goal. In order to get the best products out of our employees, they have to feel safe, comfortable, and they have to believe they're going to be listened to, and this Administration is doing that.

Mr. TONKO. Well, thank you. Earlier in my tenure at in Congress, I made it a goal to bring a lot of attention to water infrastructure and that network beneath the surface, our hidden infrastructure, is incredibly important to our communities, certainly to our way of life and to the businesses that require sound water. And so as we did many tours along the Eastern Seaboard, one of the discoveries that was that was repeated over and over was the lack of human interest in issues like those that are required to maintain our water supplies, you know, very terrific responsibilities, but, you know, failed really because there wasn't that attention brought to that area of infrastructure.

So yesterday, I was thrilled to see the EPA announcement for \$20 million in grant funding for developing career opportunities in the water sector. Our water workforce is central to protecting public and environmental health. From our pipes and pumps to our rivers and lakes, our infrastructure is in dire need of restoration and maintenance, and yes, a need for human infrastructure build-up. Yet, like many, the sector is facing unprecedented staff shortages.

So, Administrator Regan, can you speak to the current needs of the water sector and how these grants will help bolster the next generation and attract those young professionals that we require to careers in water?

Mr. REGAN. Well, first of all, I want to say thank you for your leadership and Congress' leadership. With this \$50 billion, we're now investing in water infrastructure so that personnel can have something that they're proud to manage. So some of these crippling facilities now will be revived, and we'll need a very good skill set to manage. We are spending these resources because we've spent time on the ground with mayors, with utility operators, understanding that there's a huge workforce gap. It's about instilling pride, bringing back educated, well-resourced individuals to run these facilities and ensure that their communities are receiving good quality drinking water. I think we've connected those dots. We've invested in the infrastructure. We've invested in the people. And I believe that now we're on track to get more people clean drinking water than we've had in a very long time.

Mr. TONKO. Well, I for one am very much encouraged by that hidden infrastructure getting so much attention and focus.

So again, I thank you for your leadership. New York 20 is always open to a repeat visit. You've always been a hit, and we thank you for that.

And with that, Mr. Chair, I yield back.

Mr. COLLINS. I want to thank the Administrator for joining us today and the Members for their questions. The record will remain open for 10 days for additional comments and written questions from Members.

This hearing is adjourned.

[Whereupon, at 1:06 p.m., the Committee was adjourned.]

Appendix I

ANSWERS TO POST-HEARING QUESTIONS

ANSWERS TO POST-HEARING QUESTIONS

*Responses by the Honorable Michael S. Regan***Questions for the Record**

House Committee on Science, Space, and Technology
Science and Technology at the EPA
 Wednesday, September 27, 2023

Congressman Darrell Issa

1. In July, the Government Accountability Office released a report sharing that 17 federal agencies use less than 25% of their office space. EPA has quite a few laboratories, centers, regional offices, and other facilities scattered across the country. Has EPA assessed how much space is used or unused on a daily, weekly, and monthly basis?

EPA RESPONSE: In its report, the GAO estimated that the building utilization rate for EPA's headquarters building was in the second quartile of federal agencies sampled over a three-week sample in January, February, and March 2023. While EPA's own analysis suggests a slightly higher rate of occupancy, we find that estimate roughly accurate. Consistent with OMB Memoranda M-23-15, the Agency is increasing its in person presence in Q1 of FY 2024 and anticipates an associated increase in building utilization.

2. Luckily, that information was shared in the GAO report: only 16% of EPA's buildings are utilized. Does EPA have any plans to assess how much it costs to maintain and operate 84% of its building utilization that is apparently sitting dormant?

EPA RESPONSE: EPA has undertaken space consolidation efforts for more than a decade. That effort has resulted in EPA releasing over one million square feet of office and warehouse space, which has limited EPA's rent and other fixed cost increases. EPA's recent release of its Potomac Yards facility, for example, resulted in cost avoidance of \$14 million annually to taxpayers. The Agency's FY 2024 President's Budget request includes resources to enable the Agency to release approximately 20 percent of leased space over the FY 2024-2028 timeline pursuant to the requirements of the Office of Management and Budget's memoranda M-22-14 and M-21-25. These proposed releases and associated cost savings and avoidances are only possible with a robust hybrid workforce that utilizes space-sharing and other measures to reduce absolute space needs. EPA is re-envisioning its physical workspace through modernization, both to ensure the Agency has the optimal footprint for a hybrid workforce and to identify opportunities to reduce leased space in order to decrease EPA's rent costs and save taxpayer money.

3. What about the environmental costs – you are, after all, the Environmental Protection Agency – so have you assessed the emissions and environmental impact these underutilized spaces have?

EPA RESPONSE: Environmental savings such as reductions in energy and water consumption are an Administration priority under President Biden's Executive Order 14057, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, which includes goals to use 100 percent carbon pollution-free electricity on a net annual basis by 2030 and achieve a net-zero emissions building portfolio by 2045. The Agency is focused on implementing this Executive Order through its management of the real property portfolio

and is identifying opportunities to release and optimize space prior to any new lease renewals or new lease provisions. The Agency continues to review, consolidate, and release laboratory space across its inventory, and has achieved tens of millions of dollars in lease cost savings with space releases in the Washington, DC area over the last decade. Each of these releases include associated environmental benefits as EPA reduces its physical footprint. The Agency's FY 2024 President's Budget requests resources to enable the Agency to release approximately 20 percent of leased space over the FY 2024–2028 timeline pursuant to the requirements of the Office of Management and Budget's memoranda M-22-14 and M-21-25. These proposed releases and associated cost savings and avoidances are only possible with a robust hybrid workforce that utilizes space-sharing and other measures to reduce absolute space needs. EPA has reduced its building energy intensity by 41.7% since 2003, reduced Scope 1 and Scope 2 greenhouse gas building emissions by 60% since 2008, and reduced building water intensity by 38.9% since 2007. EPA currently uses 44% carbon-free electricity in its buildings, and 25% of the Agency's building inventory qualify as high-performance sustainable buildings.

4. The GAO also found that all assigned staff could go to a building, and it could still be underutilized if the building has more space than it needs. Does EPA plan to follow up on this report and take action, especially considering the high amount of telework within the agency?

EPA RESPONSE: As noted above, EPA has undertaken space consolidation efforts for more than a decade and space consolidation and savings remain an Agency priority. The proposed releases and associated cost savings and avoidances are only possible with a robust hybrid workforce that utilizes space-sharing and other measures to reduce absolute space needs. EPA is continually re-envisioning its physical workspace through modernization, both to ensure the Agency has the optimal footprint for a hybrid workforce and to identify opportunities to reduce leased space in order to decrease EPA's rent costs and save taxpayer money.

5. The Trump Administration planned to co-locate employees from leased lab space in Houston, Texas, to an agency-owned facility in Oklahoma, saving \$1.8 million annually. Can you explain why you pushed this plan back to 2027?

EPA RESPONSE: The construction contract for Ada, Oklahoma was awarded in September 2023 and EPA expects construction at Ada to begin in January 2024. The relocation of the Houston laboratory staff is anticipated to begin in FY 2027. In addition, EPA will retain a presence in Houston to continue to support emergency response personnel, inspectors, public affairs, and criminal enforcement efforts. The Agency will be fully able to meet our commitment to serving communities in the Gulf Coast area.

6. Do you support this plan to co-locate employees to an already-owned facility?

EPA RESPONSE: The consolidation of the laboratory functions at the EPA-owned facility in Ada is consistent with Congressional direction in the 2016 Federal Assets Sale Transfer Act (FASTA) to reduce its federal leased property footprint. The consolidation will result in \$1.8

million of cost avoidance annually in lease and facility expenses and reduce the Agency's footprint by 41,000 square feet.

Representative Deborah Ross

Exercise of TSCA Section 4 Testing Authority for PFAS

The previous administration failed to exercise its enhanced authority under the 2016 TSCA Amendments to order chemical manufactures to conduct human health and environmental testing on existing chemicals. As you are well aware, PFAS manufacturing companies have released toxic PFAS chemicals from their facilities for decades, including from Chemours' facility in Fayetteville, NC. Most of these PFAS chemicals have never been properly tested. TSCA Section 4 orders can be used to require industry to conduct the animal and human testing needed to assess the toxicity of PFAS chemicals and mixtures and understand the health effects of prolonged past and continuing exposure, including to low-income communities and communities of color. EPA can use this enhanced Section 4 authority to require PFAS manufacturers to conduct epidemiological studies of impacted communities like people living in the lower Cape Fear River basin.

EPA's PFAS Testing Strategy, which was announced as part of EPA's PFAS Strategic Roadmap in October 2021, set out a plan to issue Section 4 orders to conduct tiered testing of 24 PFAS that EPA had identified as being representative of certain categories of PFAS. The Testing Strategy called for EPA to issue Phase 1A testing orders for tier 1 testing on the 24 "representative" PFAS "by the end of 2021."

Although a January 18, 2022 Memo notified the public that EPA was issuing TSCA Section 4 test orders for the 24 PFAS identified in the Testing Strategy, the first PFAS testing order was not issued until June 2022. The second PFAS testing order was not issued until August 2023. At this pace, it will be many years before EPA issues the remaining 22 Phase 1 test orders for the "representative" PFAS. These orders are only for Tier 1 testing and it's not clear when or if EPA will order the PFAS manufacturers to conduct the higher tiered testing for endpoints such as cancer.

1. Can the PFAS Testing Strategy be accelerated in order to meet the goals of the Strategic Roadmap?

EPA RESPONSE: Addressing PFAS pollution is a priority for EPA. We've taken many actions to address PFAS, all backed by science, but we still have work to do to increase our understanding of PFAS. That's why research is one of three central directives in EPA's PFAS Strategic Roadmap.¹ As part of the Roadmap, EPA is continuing to implement the PFAS National Testing Strategy,² employing a category-based approach through which information on representative chemicals can inform our

¹ <https://www.epa.gov/pfas/pfas-strategic-roadmap-epas-commitments-action-2021-2024>.

² <https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/national-pfas-testing-strategy>.

understanding of hundreds of chemicals within specific categories based on similarities in structure, physical-chemical properties, and existing toxicity data.

EPA is taking a phased approach to issuing test orders pursuant to the strategy, beginning with human health effects on PFAS in specific categories that lack toxicity data to inform EPA's understanding of the potential health effects. The Agency has issued three test orders on PFAS, the most recent being an August 2023 order for 2,3,3,3-Tetrafluoro-2-(heptafluoropropoxy)propanoyl fluoride (HFPO-DAF), a substance known to be used to make Hexafluoropropylene Oxide Dimer Acid, which is known by the trade name GenX and is used in the production of nonstick coatings, stain repellent, and other consumer and industrial products.³ More than 1 million pounds of HFPO-DAF are manufactured each year.

EPA plans to issue additional Phase I orders in the coming months and is taking steps to expedite the forthcoming test orders. The Agency anticipates being able to issue five to 10 PFAS test orders in FY 2024 and in each year thereafter. In addition, in September 2023, the EPA finalized a rule that requires all manufacturers (including importers) of PFAS and PFAS-containing articles in any year since 2011 to report information related to chemical identity, uses, volumes made and processed, byproducts, environmental and health effects, worker exposure, and disposal to EPA.⁴ We anticipate that the data reported under this rule will provide EPA, its partners, and the public with the largest-ever dataset regarding PFAS manufactured and used in the United States.

Additionally, EPA's test order authority is not the only way the Agency is bolstering its understanding of PFAS chemicals. EPA has committed to engage with PFAS manufacturers prior to the issuance of a test order. These engagements have resulted in submissions of data previously unavailable to the Agency and, in some cases, filled data needs that otherwise may have been addressed through formal issuance of an order. In such cases, the data submissions were provided much sooner than they would have been if a test order had been necessary. A national workshop on PFAS data needs is in the planning stages, and EPA is exploring ways to leverage data from across the federal government into a centralized database. Taken together, these efforts are aimed at tackling the large universe of PFAS chemicals in a complementary, strategic way.

2. Given the resource constraints on EPA, should the EPA more fully leverage its TSCA Section 4 authority to order the PFAS manufacturers to fund the needed testing?

EPA RESPONSE: Under the National Testing Strategy, EPA is leveraging its statutory authority to require chemical companies to conduct and pay for PFAS

³ See <https://www.epa.gov/newsreleases/epa-issues-next-test-order-under-national-testing-strategy-pfas-used-chemical>.

⁴ See <https://www.epa.gov/newsreleases/epa-issues-next-test-order-under-national-testing-strategy-pfas-used-chemical>.

testing. EPA has issued three PFAS test orders, most recently in August 2023,⁵ and plans to issue additional orders in the coming months.

Developing section 4 test orders is a complex and resource-intensive process involving numerous scientific and regulatory considerations to develop robust test orders consistent with TSCA authorities. Developing a test order with specific testing requirements typically takes at least six months.⁶ The Agency has refined its processes using the experience we have gleaned through implementation. These refinements include actions taken to increase efficiencies and the pace of order issuance. Using a category approach, EPA is issuing test orders for PFAS lacking toxicity data that informs EPA's understanding of the potential for human health effects. The Agency is also taking steps to accelerate its ability to issue test orders, and we anticipate being able to issue five to 10 PFAS test orders in FY 2024 and in each year thereafter. EPA is working to issue orders that can more quickly build the Agency's body of knowledge on data-poor PFAS categories. EPA must develop its test order consistent with its obligations under TSCA sections 4 and 26, which include considering which protocols and methodologies for testing are appropriate based on a given PFAS-testing candidate's physical and chemistry properties and reviewing reasonably available information from existing testing. EPA must also then administer implementation of the test orders. As required under the 2016 TSCA amendments, EPA assesses fees to help defray up to 25% of the costs associated with TSCA, including the development and implementation of section 4 test orders. EPA finalized the Fees for the Administration of TSCA rule in October 2018. In January 2021, EPA proposed revisions to the current TSCA fees rule, in November 2022 EPA issued a supplemental notice to that proposal and is currently in the process of finalizing the rule. The costs associated with conducting the tests required by test orders, however, are borne in their entirety by test order recipients and responsible parties (i.e., manufacturers), not EPA.

Fluorinated Plastic Containers – Enhance TSCA SNUNs

In a September 25, 2023 letter in response to Representative McClellan and 11 other House Members, including myself, relating to EPA's review of TSCA Significant New Use Notices (SNUNs) filed by Enhance Technologies relating to its generation of PFAS during its fluorination of plastic containers, EPA stated that it "recognizes the co-existence of a number of PFAS likely contributes to potential, bioaccumulation, hazard, and risk concerns. Although EPA recognizes that coexistence likely results in the individual substances interacting with each other, current data and methodologies for quantitatively evaluating these effects is not yet available."

1. Could a failure to account for cumulative impacts of multiple PFAS significantly underestimate the risk of harm from these PFAS?

⁵ <https://www.epa.gov/newsreleases/epa-issues-next-test-order-under-national-testing-strategy-pfas-used-chemical>.

⁶ <https://www.epa.gov/system/files/documents/2022-03/issuing-a-section-4-order-24-march-2022.pdf>

EPA RESPONSE: EPA issued orders to Inhance Technologies LLC on December 1, 2023. Those documents—as well as a November 30, 2023, risk assessment—present the most recent Agency views on this issue. Versions of those documents redacted for confidential business information are available here: <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/epa-orders-issued-inhance>

2. Does EPA intend to apply uncertainty factors to account for EPA’s inability to quantitatively evaluate these cumulative effects?

EPA RESPONSE: As described in the EPA document, “Framework for TSCA New Chemicals Review of PFAS Premanufacture Notices (PMNs) and Significant New Use Notices (SNUNs),”⁷ for PBT PFAS, EPA will typically qualitatively consider the potential extent of exposures to the general population, consumers, and the environment throughout the lifecycle of the PFAS, but not attempt to quantitatively assess them. More recent information on this issue is discussed in the documents referenced in the response to Question 1, above.

Representative Ryan Zinke

1. In July, the CEQ proposed revisions to regulations implementing changes to NEPA enacted through the Fiscal Responsibility Act (FRA) but also would significantly expand the scope of NEPA review to advance the Administration’s climate change priorities, despite courts’ view that NEPA is a procedural statute without a set outcome for agencies.
 - A. Why is CEQ’s Notice of Proposed Rulemaking (NPRM) a significant departure from NEPA’s historic role as a procedural statute?
 - B. How do you think the Administration will be able to reconcile the NPRM and its explanation of the proposal with the forty plus years of court cases saying NEPA doesn’t mandate specific results?
 - C. In addition to the NEPA changes enacted as part of the Fiscal Responsibility Act, what other modifications are needed to deploy energy infrastructure in a timely and cost-effective manner while protecting our environment?
 - D. What specific ways Congress should ensure that NEPA reviews are properly focused on direct greenhouse gas emissions related to the project being considered?

EPA RESPONSE: EPA defers to CEQ on questions related to their Notice of Proposed Rulemaking (NPRM). Regarding EPA’s role in NEPA, EPA frequently receives and responds to Congressional requests for technical assistance on proposed legislation. EPA would be happy to engage with your staff to provide any technical assistance on relevant legislation under consideration.

⁷ <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/framework-addressing-new-pfas-and>

2. A permitted Class VI Underground Injection Control well has been proven to adequately perform carbon capture. However, EPA has indicated that it aims to review Class VI applications and issue permits to qualified projects within approximately 24 months.
 - A. Many of these projects are ready to go now – why is EPA dragging its feet, claiming they need 24 months, on average, to approve permits? What efforts can these applicants take to move their application process along faster?
 - B. Further, what is EPA’s stance on meaningful federal permitting reform legislative initiatives to safeguard the security, reliability, and affordability of energy infrastructure, including natural gas pipelines?
 - C. How should these proposals amend federal statutes, specifically the Clean Water Act, to improve energy project permitting processes?

EPA RESPONSE Carbon capture, utilization, and storage or sequestration (CCUS) is a technology and process that has been used for decades to trap carbon dioxide emissions from sources like power and industrial plants and permanently store it to prevent its release into the atmosphere. This is a complex process, with many federal, state, and private sector entities playing important roles. EPA has a role under the Safe Drinking Water Act to ensure that these activities do not contaminate underground sources of drinking water. To do this, EPA administers the Underground Injection Control (UIC) program to evaluate applications and issue permits for wells that serve a variety of deep injection needs, including sequestration of carbon dioxide. EPA is committed to reviewing UIC Class VI permit applications as expeditiously as possible when the Agency is the permitting authority. Reviewing a Class VI permit application entails a multidisciplinary evaluation to determine whether the application includes the required information, is technically accurate, and supports a risk-based determination that underground sources of drinking water will not be endangered by the proposed injection activity. A wide variety of technical experts—from geologists to engineers to physical scientists—review permit applications submitted to EPA. The Agency is continuously working to develop staff expertise and increase capacity, and has effectively deployed appropriated resources, as well as additional funding from the Federal Permitting Improvement Steering Council, over the last five years to scale its expert team from just a few people to more than 33 FTE across our headquarters and regional offices. EPA is also leveraging experts at the U.S. Department of Energy’s National Laboratories to support the analysis and modeling to evaluate certain technical aspects of these permits. The tempo of applications submitted to EPA for review continues to grow quickly and, accordingly, all these additional resources and staff capacity have been invaluable.

As of October 13, 2023, EPA has approximately 160 permit applications in house, the vast majority of which have been submitted to the agency in just the last 8 months. As you note, EPA’s goal is to make a permit determination 24 months after receipt of a complete application. This timeframe is consistent with many federal and state permitting programs, and the precise time for a given application depends on several

factors, including the complexity of the project and the quality and completeness of the submitted application.

This number of permit applications underscores the importance of this program, the growing interest from industry, and the importance of the funding that Congress has appropriated to EPA to build the staff capacity in our headquarters and regional offices to implement this essential program. To promote transparency and accountability, EPA publishes the status of all UIC Class VI permit applications, as well as draft and final permit decisions and final permits issued by EPA, on our website at: <https://www.epa.gov/uic/class-vi-wells-permitted-epa>.

EPA is also committed to supporting states, Tribes, and territories in developing and implementing their own UIC Class VI programs. On November 2, 2023, EPA announced the availability of \$48.25 million in grants to support state and Tribal partners in developing and implementing UIC Class VI programs. Once a state, Tribe, or territory obtains primary enforcement responsibility—called “primacy”—for Class VI underground injection wells, they can issue their own permits. This will further help with the increased volume of permit applications in the last 8 months.

With regard to proposals to amend federal statutes, EPA frequently receives and responds to Congressional requests for technical assistance on legislation. EPA would be happy to engage with your staff to provide any technical assistance on relevant legislation under consideration.

Representative Stephanie Bice

- A. Mr. Administrator, farmers and ranchers in the state of Oklahoma are quite concerned about the proposed Vulnerable Species Pilot Program and the overreach that it seems to embark upon. The pilot program establishes pesticide use limitation areas (PULAs), and for Oklahoma, the entire eastern half of the state is consumed in a PULA due to the critical habitat of the American burying beetle, despite the fact of limited evidence of the beetle’s presence in this region. When the beetle was listed as threatened, the FWS issued a 4(d) rule to provide accommodations for responsible pesticide use in agricultural areas.

Given this, how does your Agency see this pilot program interacting with species-specific 4(d) rule accommodations?

EPA RESPONSE: Typically, when EPA registers a pesticide, it includes any needed restrictions or mitigations on the pesticide labeling. Often these restrictions or mitigations apply to any use of the pesticide. The intent of a pesticide use limitation area, including those proposed in the Vulnerable Species Pilot, is to allow EPA to limit any needed restrictions or mitigations to specific geographic areas, primarily where the restrictions or mitigations are needed to protect listed species (and their critical habitat) from a risk of extinction. This approach allows pesticide labeling to be more restrictive only in areas that are truly needed to protect a listed species, such as the American burying beetle, while minimizing impacts to pesticide

users, including farmers, more broadly.

As announced in EPA's November 2023 Vulnerable Species Pilot Update,⁸ EPA is evaluating approaches to refine the pesticide use limitation areas for the pilot species to ensure these areas are limited to the overlap between the vulnerable species and exposure areas., including for the American burying beetle. In collaboration with the U.S. Department of Agriculture and U.S. Fish and Wildlife Service, EPA is partnering with the University of Georgia (UGA) to refine the pesticide use limitation areas for the American burying beetle, among other pilot species. UGA and the federal agencies are working together using the best available information to develop an approach for potentially refining PULAs for this pilot species and for future efforts to protect listed species, while minimizing impacts to pesticide users to the extent possible. In general, the Fish and Wildlife Service is the manager of species location and habitat data. EPA notes that the proposed Vulnerable Species Pilot does not impose any requirements on growers/applicators. It is a proposed framework that we expect will inform the existing mechanisms EPA uses to register and re-register pesticides. EPA does not plan to use this framework until it completes its effort to refine the pesticide use limitation areas.

EPA is also continuing to discuss the proposed Vulnerable Species Pilot with the Fish and Wildlife Service, especially the input EPA received during the public comment process. In addition to the pesticide use limitation areas, EPA anticipates making changes to the proposed protections for the American burying beetle (and other listed species) and will consider information in the 4(d) rule as part of this reconsideration.

- B. According to the American Burying Beetle (ABB) 4(d) rule, areas that are regularly tilled, vegetation maintained at less than 8 inches through regular mowing, wetland areas with standing water or saturated soils, or urban areas with paved surfaces are examples of lands considered unfavorable for use by American burying beetles.

Why should farmers have to use "avoidance" in the Vulnerable Species Pilot Project area, when applying herbicides on cropland is not ABB habitat?

How can EPA prove that the Vulnerable Species Pilot Project is working if the so-called vulnerable species does not reside on the applicable property?

EPA RESPONSE: As described in the previous response, EPA is considering to refinements to pesticide use limitation areas in the proposed Vulnerable Species Pilot. EPA's goal is to incorporate protections where they are most needed into future pesticide decisions, while also minimizing impacts to pesticide users to the extent possible. EPA is currently working to revise the proposed Vulnerable Species Pilot to achieve this goal.

The purpose of the restrictions and mitigations proposed in the Vulnerable Species Pilot is to minimize pesticide exposure to protect listed species and their habitat.

⁸ <https://www.epa.gov/system/files/documents/2023-11/vsp-update-nov2023.pdf>.

Exposure to a pesticide can occur when a pesticide is directly applied to a species habitat or, more often, when a pesticide moves off site (typically through spray drift when the pesticide is applied or run-off in rainwater into nearby habitats). Therefore, a species' habitat does not need to be on a treated field for the species to be exposed to a pesticide. That said, EPA is currently considering refinements to pesticide use limitation areas for the proposed Vulnerable Species Pilot, including for the American burying beetle. EPA does not intend to subject areas outside of those geographic areas covered by the refined pesticide use limitation areas to the proposed avoidance mitigations.

- C. In crafting this proposal, and future ones for different classes of crop protection tools, EPA is obligated under the Endangered Species Act to use "the best scientific and commercial data available." Yet, many of these decisions are being made with a false assumption that farmers and ranchers are applying maximum allowable amounts on the label. I question whether EPA is upholding the principles in statute of the best and most updated science to make these decisions.

How does the Agency plan to account for this moving forward?

EPA RESPONSE: When EPA registers a pesticide, it often specifies maximum allowable use rates on the label as requested by the registrant, which are designed to ensure the pesticide is efficacious. EPA acknowledges that pesticide users may find the lower application rates are efficacious for their situation and not apply pesticides at the maximum allowable rate, and the Agency would welcome opportunities to amend labels to remove the maximum allowable use rate and replace it with more realistic information (pesticide registrants would also need to agree to do this). In conducting its assessments, EPA uses the best scientific and commercial data available with respect to the toxicological and chemical properties of a pesticide, species biological and location information, agronomic practices, pesticide usage (the actual amount of pesticide used), and other aspects of pesticide risk assessment and risk management. If there are established common practices regarding how growers are applying a pesticide and to what extent a pesticide is being used (usage data), then EPA generally incorporates that type of data, where appropriate, into its analyses when conducting chemical specific biological evaluations. As part of the mitigation menu in the proposed Vulnerable Species Pilot framework, EPA assumed farmers would use the pesticide as specified on the label (including the maximum allowable amount) as the basis to propose mitigation credit for those users that apply the pesticide at a level lower than the maximum allowable rate.

- D. Carbon capture technologies will be an important part of our nation's energy future. In 2010, the EPA created the Class VI Underground Injection Control program to permit wells to inject carbon dioxide for geologic sequestration. Since its inception, only two Class VI well permits have been issued by the EPA for injection at a time when the Class VI UIC permit backlog is growing. Assistant Secretary for the U.S. Department of Energy's (DOE's) Office of Fossil Energy and Carbon Management (FECM), Brad Crabtree, quoted a backlog of more than 150 permits.

Administrator, when does the EPA plan to begin announcing decisions on permit applications?

What will you do to improve and enable the success of this critical permitting program?

Administrator, what resources is the EPA missing to be able to accelerate these timelines?

EPA RESPONSE: Carbon capture, utilization, and storage or sequestration (CCUS) is a technology and process that has been used for decades to trap carbon dioxide emissions from sources like power and industrial plants and permanently store it to prevent its release into the atmosphere. This is a complex process, with many federal, state, and private sector entities playing important roles. EPA has a role under the Safe Drinking Water Act to ensure that these activities do not contaminate underground sources of drinking water. To do this, EPA administers the Underground Injection Control (UIC) program, to evaluate applications and issue permits for wells that serve a variety of deep injection needs, including sequestration of carbon dioxide. EPA is committed to reviewing UIC Class VI permit applications as expeditiously as possible when the Agency is the permitting authority. Reviewing a Class VI permit application entails a multidisciplinary evaluation to determine whether the application includes the required information, is technically accurate, and supports a risk-based determination that underground sources of drinking water will not be endangered by the proposed injection activity. A wide variety of technical experts—from geologists to engineers to physical scientists—review permit applications submitted to EPA. The Agency is continuously working to develop staff expertise and increase capacity, and has effectively deployed appropriated resources, as well as additional funding from the Federal Permitting Improvement Steering Council, over the last five years to scale its expert team from just a few people to more than 33 FTE across our headquarters and regional offices. EPA is also leveraging experts at the U.S. Department of Energy's National Laboratories to support the analysis and modeling to evaluate certain technical aspects of these permits. The tempo of applications submitted to EPA for review continues to grow quickly and, accordingly, these additional resources and staff capacity have been invaluable.

As of October 13, 2023, EPA has approximately 160 permit applications in house, the vast majority of which have been submitted to the agency in just the last 8 months. EPA's goal is to make a permit determination 24 months after receipt of a complete application. This timeframe is consistent with many federal and state permitting programs, and the precise time for a given application depends on several factors, including the complexity of the project and the quality and completeness of the submitted application.

This number of permit applications underscores the importance of this program, the growing interest from industry, and the importance of the funding that Congress has appropriated to EPA to build the staff capacity in our headquarters and regional offices to implement this essential program. To promote transparency and accountability, EPA publishes the status of all UIC Class VI permit applications, as well as draft and final permit decisions and final permits issued by EPA, on our website at: <https://www.epa.gov/uic/class-vi-wells-permitted-epa>.

EPA is also committed to supporting states, Tribes, and territories in developing and implementing their own UIC Class VI programs. On November 2, 2023, EPA announced the availability of \$48.25 million in grants to support state and Tribal partners in

developing and implementing UIC Class VI programs. Once a state, Tribe, or territory obtains primary enforcement responsibility—called “primacy”—for Class VI underground injection wells, they can issue their own permits which will help with the increased volume of permit applications in the last 8 months.

- E. Administrator Regan, we need to significantly increase the rate at which we deploy carbon capture and storage projects. In order to reduce CO2 emissions as fast as possible, we need to modernize the carbon storage permitting process.

What do you see as the biggest barrier to rapidly deploying new carbon storage projects?

What actions can EPA and Congress take to eliminate these barriers?

EPA RESPONSE: See response to Question D above.

- F. Under the Infrastructure Investment and Jobs Act, EPA received \$50 million to support the development and implementation of UIC Class VI primacy programs, which regulate the geologic sequestration of CO2 into UIC Class VI wells. EPA will award the full \$50 million in a one-time, non-competitive distribution.

What is EPA doing to ensure the successful implementation of the state grant program?

Given the number of projects in the development pipeline, as well as the increase expected from the IIJA programs from the direct air capture hubs, hydrogen hubs, and other carbon capture and storage programs, EPA’s needs for fulfilling permitting requests will exceed what has historically been allocated to the program. What is the EPA doing to ensure there will be enough staff and resources to handle timely reviews of both state primacy and project developer applications?

EPA RESPONSE: See response to Question D above.

- G. In December 2022, the EPA announced "[8 Principles for Addressing Environmental Justice in Air Permitting](#)".

In just a few months, these principles and the regulatory uncertainty they've created will be 1 year old. Does the EPA intend to pursue any sort of rule making on these principles so that regulated entities have clear rules of the road?

EPA RESPONSE: The EJ in Air Permitting Principles are intended to encourage the improvement and consistent practice of meaningful stakeholder involvement and fair treatment at all stages of the permitting process, to promote issuance of air permits containing terms that are appropriately protective of public health and the environment consistent with applicable environmental laws, and to improve transparency in the air permitting process. The document is not intended to create any regulatory requirements or have legally binding effect. The goal of the EJ in Air Permitting Principles document is to provide a framework of principles and practices to assist each EPA regional office to promote environmental justice and equity through

air permitting programs through existing Clean Air Act authorities, as well as other applicable federal and state laws that may help to mitigate potential adverse and disproportionate effects of a permitting action. Environmental justice, as defined in Executive Order 14096, which the President issued in April 2023, after this guidance, means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people (A) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers, and (B) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices. EPA continues to explore opportunities to advance environmental justice and equity with co-regulatory agencies, communities, and other stakeholders. This may include future actions consistent with existing applicable law and policy goals including as charged in Executive Orders such as EO 14096, to advance environmental justice, but EPA is currently not pursuing a rulemaking to give the Principles legally binding effect.

Aren't clear rules necessary to provide focused and measurable objectives so as not to violate the 14th Amendment as addressed in the Supreme Court ruling Students for Fair Admissions v Harvard?

EPA RESPONSE: As noted in the prior response, the EJ in Air Permitting Principles is not a rule. The document does not change or substitute for any requirement under the Clean Air Act or its implementing regulations, any EPA-approved Clean Air Act permitting program, or Title VI of the Civil Rights Act, nor are they a regulation themselves. Nothing in the document has legally binding effect or represents the consummation of agency decision making. To the extent there is any inconsistency between the document and any statute, regulation, or guidance, the latter controls.

Without rulemaking how are these principals sufficiently measurable to permit review under the mandates of the Supreme Court ruling Students for Fair Admissions v Harvard so as to be constitutional under the 14th Amendment?

EPA RESPONSE: For the reasons discussed in the prior responses and in the document itself, the EJ in Air Permitting Principles document does not establish legally binding requirements, and no part of the document has legally binding effect or represents the consummation of agency decision making. The guidance reflects the Agency's commitment to the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in decisions that affect human health and the environment so that people are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards.

Has the EPA published any research or data as to how many air permit applications have been or will be impacted by these principles?

EPA RESPONSE: No, the EPA has not published any research or data as to how many air permit applications have been or will be impacted by these principles.

Specifically, have you identified how many air permits have or stand to receive an adverse decision or additional mitigation requirements under these principles that otherwise would have been renewed under previous application of promulgated rules, statutes, and public health standards based on science?

EPA RESPONSE: As stated in the responses above, EPA's EJ in Air Permitting Principles document does not establish legally binding requirements or have legally binding effects. As such, EPA has not mandated an action under the EJ in Air Permitting Principles document. The goal of the EJ in Air Permitting Principles document is to provide a framework of principles and practices to assist each EPA regional office to promote environmental justice and equity through air permitting programs using existing Clean Air Act authorities and discretion, federal civil rights laws, as well as other federal and state laws that may help to mitigate potential adverse and disproportionate effects of a permitting action. While EPA encourages other permitting authorities to consider ways to use their own legal authorities to advance these policy goals, the EJ in Air Permitting Principles document does not create any requirements for those permitting authorities. Nor does the Principles document give the EPA or states any new legal authority.

In instances where EPA has applied the principles in the EJ in Air Permitting Principles when commenting on a state-issued permit, EPA has not required particular actions, but rather offered recommendations to consider potential impacts to affected communities. The Principles do not prescribe a single specific approach or methodology for addressing environmental justice and equity in air permitting, but rather note that what is appropriate in each situation should be considered on a case-by-case basis.

Do you have scientific standards to address non-health related impacts set forth in the principles? And what is the authority in the Clean Air Act for the EPA to consider non-health related impacts, isn't this a divergence from science-based decision making? [Note: as an example of non-health related impacts the EPA has indicated that they can review noise, traffic, and odor for non-health impacts, affecting quality of life. Noise is not an air quality impact.]

EPA RESPONSE: The EJ Legal Tools document available at <https://www.epa.gov/system/files/documents/2022-05/EJ%20Legal%20Tools%20May%202022%20FINAL.pdf> identifies a broad range of EPA legal authorities available to advance environmental justice and equity in Agency actions consistent with the statutes the EPA administers. Under the Clean Air Act permitting program, this includes, as an example, "an analysis . . . of the ambient air quality, climate and meteorology, terrain, soils and vegetation, and visibility at the site of the proposed major emitting facility and in the area potentially affected by the emissions

from such facility for each pollutant regulated under this chapter which will be emitted from, or which results from the construction or operation of, such facility, the size and nature of the proposed facility, the degree of continuous emission reduction which could be achieved by such facility, and such other factors as may be relevant in determining the effect of emissions from a proposed facility on any air quality control region.”

- H. Under the Methane Emission Reduction Program, the methane fee will start being assessed in just a little over three months; however, the EPA still has not even proposed how that fee is to be calculated nor issued any implementing guidance.

Do you think it is sound policy for EPA to move forward with a rushed timeline even though the agency is behind in providing how the fee will be calculated and related guidance?

As a regulator, wouldn't you want to give impacted parties time to understand how to comply with the MERP before starting the program?

EPA RESPONSE: On January 12, 2024, EPA announced a proposed rule to address wasteful methane emissions from the oil and gas sector, delivering on Congress' directive in the Inflation Reduction Act to incentivize adoption of industry best practices that reduce pollution. The proposed rule will assess a charge on certain large emitters of waste methane from the oil and gas sector that exceed emissions intensity levels set by Congress in the Inflation Reduction Act. Working in tandem with unprecedented funding provided by the Inflation Reduction Act and recently finalized technology standards for the industry issued in December 2023, the proposed waste emissions charge encourages the early deployment of available technologies and best practices to reduce methane emissions and other harmful air pollutants before the new standards take effect.

The schedule for implementing the waste emissions charge was set by Congress in the Inflation Reduction Act. Congress directed EPA to collect the waste emissions charge based on emissions beginning on January 1, 2024. Congress directed EPA to calculate the charge based on data submitted under subpart W of the Greenhouse Gas Reporting Program. Subpart W data must be submitted by March 31 of each year for the preceding calendar year. Greenhouse Gas Reporting Program data for 2024, the first year for which Congress requires the waste emissions charge to apply, must therefore be submitted by March 31, 2025.

- I. The EPA has had over a year to develop and release guidance to impacted parties on this new tax regime. Even if you were to release guidance in the next quarter, companies will only have weeks to comprehend the information and integrate it into their operations.

Given that EPA has yet to publish how the fee is calculated and is completely revising the underlying factors on which the fee is assessed, don't you think it is prudent to delay the implementation of this program?

Do you want to get the MERP out, or do you want to get it right? Under the current path, the EPA seems to simply be trying to get it out.

EPA RESPONSE: As noted above, the schedule for implementing the waste emissions charge was set by Congress, and EPA has proposed a rule designed to meet the statutory deadlines. The proposed rule has been published in the *Federal Register* and the public comment period is now open, scheduled to close on March 11, 2024. A public hearing will be held on February 12, 2024. The Agency will continue to provide public notice of all relevant program updates. The Greenhouse Gas Reporting Program data applicable to the first congressionally required year of the waste emissions charge calculation will not be reported until March 31, 2025, and EPA expects that industry and other stakeholders will have adequate time to plan for compliance. Additionally, to facilitate implementation of the waste emissions charge, Congress directed EPA to revise the Greenhouse Gas Reporting Program regulations for oil and gas facilities (Subpart W of 40 C.F.R. Part 98) by August 2024. EPA intends to meet Congress's directive and deadline, and a proposed rule was published in the *Federal Register* on August 1, 2023.

- J. In August the EPA proposed revisions to Subpart W, which added new sources to be reported and refined others. The proposed changes to Subpart W would significantly alter the methodologies and emissions factors that must be used. The revised proposals are flawed, unsupported by science, and fail to align with the other rules being finalized by this administration. This leads to emissions being double counted, overestimated, and misrepresented.

EPA is supposed to rely on credible science; however, the agency is erroneously interpreting published studies and is not applying logic in how it came up with its math.

Were any environmental organizations involved with the development of the proposed changes to Subpart W? This includes providing input on the proposed changes.

Oversight of federal agencies is an important function of this committee. Will you turn over all communications with outside organizations with respect to the development of the Subpart W proposal?

EPA RESPONSE: As noted above in response to Question I, to facilitate implementation of the waste emissions charge, Congress directed EPA to revise the Greenhouse Gas Reporting Program regulations for oil and gas facilities (Subpart W of 40 C.F.R. Part 98) by August 2024. EPA intends to meet Congress's directive and deadline, and a proposed rule was published in the *Federal Register* on August 1, 2023. The proposed rule would make important improvements to allow for the expanded incorporation of empirical data, improve the accuracy of data reporting, and accurately reflect total methane emissions consistent with requirements in the Inflation Reduction Act and EPA's Clean Air Act authority. EPA is currently reviewing comments received in response to the proposal and may make revisions to the final rule after consideration of the comments received. EPA explicitly requested data on emissions and emissions factors, and we are committed to using the best available science when finalizing this rule. Comments on the proposed rule

are available at <https://www.regulations.gov/docket/EPA-HQ-OAR-2023-0234/comments>.

The proposed rule was developed by EPA and was not shared with any non-governmental organization prior to its issuance. Additionally, EPA opened a non-regulatory docket on November 4, 2022, and issued a Request for Information seeking public input to inform program design related to CAA section 136.⁹ As part of that request, EPA sought input on revisions that should be considered related to subpart W. The comment period closed on January 18, 2023, and comments are available at <https://www.regulations.gov/docket/EPA-HQ-OAR-2022-0875/comments>.

- K. The authors of the MERP said that it was designed to punish the bad actors; however, under the proposed changed to Subpart W early estimates of the Subpart W proposed revisions show that calculated methane emissions reported could increase by three times what they would have been reported under today's program—which is the assumption Congress used when it passed the MERP. EPA's proposal would greatly surpass the industry-wide emission estimates made by non-industry groups like academia or NGOs. This three-fold increase would not be because performance degraded after thresholds were set, but simply because EPA changed the underlying math.

Is EPA overestimating its math as a weapon to target the entire oil and gas industry in the hopes of supporting the administration's goals to transition from fossil fuels to renewables?

EPA RESPONSE: EPA implements statutes enacted by Congress. In this case, consistent with the Inflation Reduction Act and EPA's Clean Air Act authority, EPA has issued a proposed rule to allow for the expanded incorporation of empirical data, improve the accuracy of data reporting, and accurately reflect total methane emissions. Congress has directed the EPA, pursuant to Clean Air Act section 136(h), to revise the requirements of subpart W so that the reporting under these subpart, and calculation of the charge, "are based on empirical data," and that this data "accurately reflect the total methane emissions and waste emissions from the applicable facilities, and allow owners and operators of applicable facilities to submit empirical emissions data." The public comment period for the proposed rule closed on October 2, 2023. EPA is currently reviewing public comments and developing a final rule to meet Congress' direction.

- L. Following the invasion of Ukraine, President Biden announced a joint Task Force with EU President Ursula von der Leyen with the stated goal of "undertake(ing) efforts to reduce the greenhouse gas intensity of all new LNG infrastructure and associated pipelines, including ... reducing methane leakage..."

If the EPA erroneously changes the GHG accounting methods to over-inflate the perceived emissions from this industry, how will this undercut the geopolitical goals of this administration?

⁹ Docket ID No. EPA-HQ-OAR-2022-0875.

EPA RESPONSE: As noted above, the public comment period for the proposed rule closed on October 2, 2023. EPA is currently reviewing public comments and developing a final rule to meet Congress' direction.

- M. EPA's proposed changes to Subpart W are misaligned with OOOO(b) and OOOO(c), all of which fall under the purview of the EPA. The changes are also misaligned with the BLM Venting and Flaring rule and various other state agencies' emissions regulations.

How does the EPA plan to reconcile the differences? If so, how?

Can you commit that a company that complies with EPA's methane rule will NOT be subject to the MERP's fee?

EPA RESPONSE: As noted above, the public comment period for the proposed rule closed on October 2, 2023. EPA is currently reviewing public comments and developing a final rule to meet Congress' direction. EPA recognizes the interactions between Subpart W and other methane rules and is committed to harmonizing federal regulations to the maximum extent practicable. EPA is developing an action to meet directives set forth in Clean Air Act section 136, including the statutorily-specified exemptions.

Representative Claudia Tenney

1. You said during your testimony that you were unaware of Science Based Targets Initiative (SBTi). Have you taken the time to learn about this organization since your testimony?

EPA RESPONSE: As I stated in my testimony, I am not personally familiar with this organization. I am familiar with EPA's Center for Corporate Climate Leadership, which is managed within EPA's Office of Air and Radiation. The Center is a voluntary program, created in response to private sector interest in 2012.

2. As I pointed out during your testimony, the EPA's website states that "To determine whether the [greenhouse gas reduction] target is sufficiently aggressive, a good rule of thumb is to align it with the criteria of the SBTi." If you were previously unaware of SBTi, how did this company get selected to be promoted as a "good rule of thumb?"

EPA RESPONSE: EPA's Center for Corporate Climate Leadership, managed out of the EPA's Office of Air and Radiation, serves as a resource center for all organizations looking to expand their work in the area of greenhouse gas measurement and management. The Center provides general guidance to help organizations of all sizes measure and manage greenhouse gas emissions, providing technical tools, ground-tested guidance, educational resources, and opportunities for information sharing

and peer exchange among organizations interested in reducing the environmental impacts associated with climate change. The Center highlights SBTi as a useful resource for companies. By highlighting these voluntary resources, EPA is not endorsing or promoting any particular entity or choice taken by corporate actors.

3. Who made the decision to promote SBTi as a "good rule of thumb?"

EPA RESPONSE: For years, forward-thinking organizations have recognized the benefits of setting public greenhouse gas reduction targets and have sought guidance from EPA (through the Center for Corporate Climate Leadership) on how to set science-based reduction targets. On our website, the Center recognizes that SBTi has been a useful resource for the more than 500 companies that had set science-based greenhouse gas reduction targets by the end of 2020, based in part on guidance and resources provided by the SBTi. By highlighting these voluntary resources, EPA is not endorsing or promoting any particular entity or choice taken by corporate actors.

4. Given that SBTi is a foreign company, were there no American companies that could be touted as a "good rule of thumb?" If so, why was a foreign company chosen to be the standard bearer?

EPA RESPONSE: EPA's Center for Corporate Climate Leadership endeavors to be a resource for companies and is highlighting the resources available to companies that are provided by SBTi. This is one of a number of resources, including those created in partnership with American companies, highlighted on EPA's website. By highlighting these voluntary resources, EPA is not endorsing or promoting any entity or choice taken by corporate actors.

5. You expressed support for choice in the marketplace of target setting and validating. Do you support the model of the EPA's Center for Corporate Climate Leadership in that companies can choose whether or not to engage?

EPA RESPONSE: The Center for Corporate Climate Leadership is a voluntary program launched by EPA in 2012, in response to private sector interest in resources from EPA to help them in their measurement and management of greenhouse gas emissions.

6. Do you support the FAR Council methods of requiring all companies to not only set and validate emissions targets, but to use one company as the exclusive provider of this service, in this case, SBTi?

EPA RESPONSE: EPA is not a member for the Federal Acquisition Regulatory Council (FAR Council). Questions on the proposed rule are better directed to members of the Council.

7. If so, do you have concerns about SBTi being a foreign company and being the

required exclusive provider of this service?

EPA RESPONSE: Please see the response to Question 6.

8. In your opinion as the head of a major agency, why do you think that the FAR Council would require major contractors to exclusively pay a private British company for targets setting and validation services when the EPA can do them for free through existing programs or when companies can use American companies?

EPA RESPONSE: Questions on the proposed rule are best directed to the agencies who serve as representatives on the FAR Council. EPA is not in a position to opine about a proposed rule issued by other agencies.

9. You stated in your testimony that you were unaware of Arabella Advisors. To confirm, is that still the case?

EPA RESPONSE: I am not familiar with Arabella Advisors.

10. Are you aware of the Windward Fund?

EPA RESPONSE: I am not familiar with the Windward Fund.

11. The Windward Fund, which is managed by Arabella Advisors, has given millions to the Environmental Defense Fund. Were you aware of major donors to the EDF during your time as Associate Vice President? If so, how are you not aware of Arabella Advisors?

EPA Response: I take seriously my ethical obligations as a public servant, and I work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. While at the Environmental Defense Fund, I exclusively worked for their 501(c)(3).

12. How is agency staff interpreting key terms like "relatively permanent" from the *Sackett v. EPA* ruling in the field?

EPA Response: The agencies will identify relatively permanent waters consistent with the *Sackett* decision using a variety of tools, resources, and existing guidance.

13. How and when will the interpretive guidance regarding these definitions be shared with the public?

EPA Response: The agencies are committed to addressing any issues that may arise outside the limited scope of the September conforming rule. EPA and the Army have hosted public webinars to provide clarity about the new rule – issued in light of the *Sackett v. EPA* decision – and EPA is hosting listening sessions this fall and winter with co-regulators and stakeholders, focusing on identifying issues that may arise around implementation. The agencies hosted trainings for states and Tribes in November that are publicly available online here: <https://www.epa.gov/wotus/2023-rule-revised-definition-waters-united-states-training-presentations>. In addition, the agencies may

provide revised or additional administrative guidance to address implementation of the 2023 Rule, as amended, or the pre-2015 regulatory regime, consistent with *Sackett*.

14. Is the 1979 "Civiletti" memo still in effect on which agencies are ultimately responsible for implementing the Clean Water Act? If not, then what is being used to determine which agency does what under Clean Water Act?

EPA Response: The Attorney General of the United States issued an opinion on September 5, 1979 (sometimes known as the "Civiletti Memorandum"), that the Administrator of EPA has the ultimate authority under the Clean Water Act to determine the geographic jurisdictional scope of section 404 "waters of the United States" and the application of section 404(f) exemptions. 43 Op. Att'y Gen. 197 (1979). The Civiletti Memorandum is still in effect. In addition, the agencies have a number of longstanding coordination memoranda that establish roles and responsibilities for implementation, coordination, and enforcement.

Representative Max Miller

1. Administrator Regan, the Renewable Fuel Standard (RFS) requires new fuel supply pathways to be validated and approved by EPA. I understand that EPA is currently reviewing RFS pathways that would allow renewable hydrogen produced from renewable natural gas to generate renewable identification numbers or RINs. EPA has already approved renewable compressed natural gas and renewable liquefied natural gas from waste-derived biogas as an acceptable fuel pathway, identified as Pathway Q in the final rule published on July 18, 2014 (79 FR 42128). Going one step further and approving renewable hydrogen pathways would reduce the carbon intensity of hydrogen production and accelerate the development of renewable hydrogen in many areas of the country. Could you provide a timeline for a final Agency determination on these important pathways that will increase the supply of renewable hydrogen and reduce carbon emissions in its production?

EPA RESPONSE: In June 2023, EPA finalized the Renewable Fuel Standard (RFS) "Set Rule." Through that rulemaking process, EPA sought public comment on a lifecycle analysis of hydrogen produced from biogas via a steam methane reforming process. Specifically, EPA sought comment on estimates of lifecycle greenhouse gas emissions associated with the feedstock sourcing, production, transport, and use of hydrogen fuel produced from this process for use as a transportation fuel. We are currently reviewing the input received and will continue to expeditiously evaluate the pathway petitions before us.

2. I am concerned that EPA appears to have decided to not have an open, public peer review process for several TSCA risk evaluations of high priority chemicals. EPA's Peer Review Agenda omits several upcoming TSCA risk evaluations, including for formaldehyde and tris(2-chloroethyl) phosphate. Influential scientific information and highly influential scientific assessments must, according to EPA and OMB informational quality requirements, be listed on the agenda in order to provide the public an opportunity to comment on peer review plans. EPA has followed this process

for draft risk evaluations of perchloroethylene, carbon tetrachloride, asbestos, methylene chloride, NMP, and trichloroethylene.

It is unclear why EPA has abandoned this process especially since TSCA requires that risk evaluations must be based on the “best available science” and EPA’s current risk evaluation framework rule makes clear that the Agency will conduct “peer review on all risk evaluations.”

- a. Has EPA moved away from the practice of peer reviewing TSCA risk evaluations? How does EPA satisfy the TSCA requirements for “independent verification or peer review of the information or of the procedures, measures, methods, protocols, methodologies, or models”?

EPA RESPONSE: TSCA requires that science-based decisions on TSCA risk evaluation be made in a manner consistent with the best available science. In applying the requirement to use the best available science the Agency must consider as applicable, “the extent of independent verification or peer review of the information or of the procedures, measures, methods, protocols, methodologies, or models,” among other things. The Agency uses peer review for its own products according to Agency guidance and its own Peer Review Handbook. Additionally, when a risk evaluation employs the use of models and methods, EPA uses previously peer reviewed tools. When identifying information to inform risk assessments and risk evaluations, EPA looks to high-quality studies that have been peer reviewed.

EPA regulations at 40 C.F.R. part 702 state, “The *EPA Peer Review Handbook* (2015), the Office of Management and Budget Final Information Quality Bulletin for Peer Review (OMB Bulletin), and other available, relevant and applicable methods consistent with 15 U.S.C. 2625, will serve as the guidance for peer review activities. Peer review will be conducted on the risk evaluations for the chemical substances identified pursuant to 15 U.S.C. 2605(b)(4)(A).” Neither the Agency’s regulation nor the guidance further specify the type of peer review (*e.g.*, committee consensus report or letter peer review) or the body that conducts the review.

- b. Does EPA plan to follow its current risk evaluation procedural rule for forthcoming risk evaluations? If not, why not?

EPA RESPONSE: EPA intends to follow its current risk evaluation procedural rule for its forthcoming risk evaluations. The risk evaluation procedural rule requires that risk evaluations be peer reviewed.

In October 2023, EPA proposed a rule to strengthen the process for conducting and completing timely TSCA chemical risk evaluations. If finalized, the proposed rule would better align EPA’s processes with the law, including mandates to complete risk evaluations within statutory timeframes, support robust evaluations that account for all risks associated with a chemical, and provides the foundation for protecting workers and communities from toxic chemicals.

In addition to codifying revisions directed by the U.S. Court of Appeals for the Ninth

Circuit, the proposed rule includes the following changes to improve EPA's process for TSCA risk evaluations:

- A commitment to considering the disproportionate harms facing overburdened communities as part of risk evaluations such as multiple exposure pathways (e.g. in air and water) to the same chemical, and combined risks from multiple chemicals, when such consideration is supported by the best available science, and consistent with TSCA's statutory deadlines.
- A requirement that risk evaluations are comprehensive in scope and do not exclude conditions of use or exposure pathways;
- Clarifications to ensure EPA appropriately considers risks to workers in its risk evaluations;
- Assurance the Agency will continue to use the best available science to conduct risk evaluations and that decisions are based on the weight of the scientific evidence;
- A clear requirement for risk evaluations to culminate in a single determination of whether the chemical presents unreasonable risk, rather than on individual chemical uses in isolation;
- New procedural requirements applicable to substantive revisions of risk evaluation documents to ensure transparency; and
- Adjustments to the process for manufacturer requested risk evaluations for chemicals to better align with the process and timeline associated with EPA-initiated risk evaluations, while also ensuring that the Agency can use the authorities provided under the law for gathering any needed additional information on such chemicals.

Since a 2021 announcement with many of the changes included in this proposed rule, EPA has, where appropriate and consistent with legal requirements, incorporated them into TSCA risk evaluation activities.

- c. Does EPA consider TSCA risk evaluations "influential scientific information" or "highly influential scientific assessments"?

EPA RESPONSE: EPA applies the criteria in the Agency's Peer Review Handbook (<https://www.epa.gov/osa/peer-review-handbook-4th-edition-2015>) to make determinations specific to each risk evaluation. As stated in the Handbook, "determination of whether a scientific and technical work product is influential will occur on a case-by-case basis." As a subset of Influential Science Information determinations, Highly Influential Scientific Assessment determinations are also made on a case-by-case basis. To date, risk evaluations have been designated as Influential Scientific Information determinations.

- d. Does EPA intend to peer review its draft risk evaluation for formaldehyde? Which peer review body will conduct that review, and why? When will this peer review take place?

EPA RESPONSE: EPA plans to release the draft formaldehyde risk evaluation for public comment and peer review by the SACC panel by spring 2024. EPA will follow its Peer Review Handbook,⁹ the Office of Management and Budget Final Information Quality Bulletin for Peer Review,¹⁰ and other available, relevant, and applicable

standards for the formaldehyde peer review. EPA expects to ask the SACC to consider and review the Office of Pollution, Prevention, and Toxics (OPPT) and the Office of Pesticide Programs (OPP) joint hazard assessments for human and ecological health and the OPPT exposure and risk characterizations. The SACC peer review is in addition to prior external peer reviews by the National Academies of Science, Engineering, and Medicine (NASEM), the EPA's Human Studies Review Board (HSRB) and the SACC. The Agency is leveraging these peer reviews to support further development of the risk evaluation of formaldehyde.

- e. Which elements of a risk evaluation (scope, hazard assessment, exposure assessment, risk characterization, and risk determination) are subjected to peer review?

EPA RESPONSE: EPA applies the criteria in the Agency's Peer Review Handbook (<https://www.epa.gov/osa/peer-review-handbook-4th-edition-2015>) to determine on a case-by-case basis which components of each risk evaluation are peer reviewed. Hazard assessments, exposure assessments, and risk characterization are often, though not always, the components peer reviewed. The Handbook explains that "peer review is an in-depth assessment of the assumptions, calculations, extrapolations, alternate interpretations, methodology, acceptance criteria and conclusions pertaining to the scientific or technical work product, and of the documentation that supports them. Peer review also may provide an evaluation of a topic where quantitative methods of analysis or measures of success are unavailable or undefined."

As the TSCA existing chemical program matures, EPA expects to increasingly focus peer review questions in ways that efficiently review the risk evaluation and/or its analytical components so that the work is technically defensible, competently performed, properly documented, and consistent with established quality criteria.

3. Can you detail specific steps or responses EPA has taken related its Human Studies Review Board's recommendation that EPA needs to coordinate formaldehyde peer review activities, including between HSRB, the National Academies, and the Scientific Advisory Committee on Chemicals?

EPA RESPONSE: EPA is aware of the Human Study Review Board's recommendation for EPA to consider peer review input from multiple federal advisory committees. Since the reports from the Human Studies Review Board and the National Academies have become available, EPA has been evaluating the recommendations from both panels as part of its development of the formaldehyde risk evaluation. The manner of peer review and questions asked of reviewers at future consultations will focus on the appropriate aspects of the draft risk evaluation. Panel members will be made aware of the reports from the Human Studies Review Board and the National Academies.

Appendix II

ADDITIONAL MATERIAL FOR THE RECORD

LETTER SUBMITTED BY REPRESENTATIVE BILL POSEY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF INSPECTOR GENERAL
OFFICE OF INVESTIGATIONS

April 13, 2023

MEMORANDUM

SUBJECT: Management Implication Report: Disclosure of Foreign Support for EPA Research Grants

FROM: Jason Abend, Assistant Inspector General
Office of Investigations

TO: Dr. Chris Frey, Assistant Administrator and EPA Science Advisor
Office of Research and Development

Purpose: The U.S. Environmental Protection Agency Office of Inspector General has identified a concern regarding the lack of a requirement for EPA research grant recipients to report foreign support *after* receiving a grant award. As of March 22, 2023, the EPA only required grant applicants to disclose all active and pending research support *before* receiving a grant award. The purpose of this pre-award requirement is to ensure that no scientific or budgetary overlap or conflict of commitment exists. This memorandum addresses the concern of foreign influence on the EPA's federally funded research. It also documents governmentwide requirements and best practices to strengthen the administration of federal grant funds.

Background: On March 9, 2021, the EPA OIG's Office of Investigations collaborated with the National Science Foundation OIG and other federal law enforcement agencies to determine whether unreported foreign gifts could be linked to federally funded awards. This collaborative effort began after an investigation by the U.S. Department of Education identified six universities that did not report more than \$1.3 billion from foreign sources, including China, Qatar, and Russia. The investigation's findings were published in a November 27, 2019 letter sent from the Department of Education to the Senate Homeland Security and Government Affairs Committee.

Section 117 of the Higher Education Act of 1965, 20 U.S.C. § 1011f(a) requires each institution of higher education to file a disclosure report if it:

- Receives a gift or enters into a contract with a foreign source that is valued at \$250,000 or more.
- Receives a number of gifts or enters into multiple contracts with a single foreign source within one calendar year that are valued at a total of \$250,000 or more.

There has been concern among members of Congress and several federal agencies over foreign influence in federally funded research.¹ Specifically, the U.S. Government Accountability Office has indicated that "[f]ederally funded researchers may face conflicts of interest if they receive funding or other benefits from

¹ See GAO-21-130, *Agencies Need to Enhance Policies to Address Foreign Influence*, issued December 2020.

foreign entities, which may be looking to gain access to that research.”² Many agencies have previously focused on avoiding financial conflicts but have not given similar attention to guarding against scientific discoveries being passed to foreign adversaries.

Per section 223 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, Pub. L. 116-283, effective January 1, 2021, federal research agencies must require that grant applicants:

- Disclose the amounts, types, and sources of all current and pending research support received by or expected to be received by grant applicants.
- Certify that the disclosure is current, accurate, and complete.

In addition, the Act requires grant applicants to agree to update their disclosures before receiving an award at the request of the awarding agency and at any subsequent time during the term of the award that the agency deems appropriate.

On January 14, 2021, the president issued a *Presidential Memorandum on United States Government-Supported Research and Development National Security Policy*, that requires, “[c]onsistent with applicable law, initial disclosures and updates to disclosure reporting. ... Funding applicants should provide initial disclosure as part of the proposal or award process, per agency requirements. Updates should occur annually or more frequently where appropriate to account for individuals’ changing circumstances and for additions to funded research teams.” The memorandum also requires agencies to cooperate with their inspectors general in the investigation of any suspected failure to comply with disclosure requirements and to identify disclosures that have the potential to negatively affect research funding, security, or integrity.

The National Institutes of Health changed its grant policy in May 2021 to ensure that grant recipients annually disclose both financial and nonfinancial conflicts. The policy emphasizes that grant recipients must report information on all resources or financial support from a foreign or domestic entity. To comply with the new policy, each National Institutes of Health grant recipient must complete a yearly progress form, which asks whether the recipient has any new support to disclose. The National Institutes of Health will not release new funds to the grant recipient until this annual form is completed. In addition, the National Institutes of Health issued a notice alerting grant recipients that they must immediately tell the agency of any changes in support.

Other agencies, such as the National Science Foundation and the National Aeronautics and Space Administration, have implemented broader agencywide conflict-of-interest policies and reporting requirements to strengthen integrity oversight efforts related to federally funded scientific research under their purview.

Problem Identified: The EPA OIG identified that an EPA grant recipient, who is also an employee at a university, received both federal funding and foreign support during the grant’s period of performance. The foreign support was provided after the EPA awarded the grant; however, the grant recipient was not required under the terms of the grant agreement to report the foreign support, and the grant recipient made

² See the U.S. Government Accountability Office’s blog post *Protecting Federal Research from Foreign Influence*, dated January 11, 2021, at <https://www.gao.gov/blog/protecting-federal-research-foreign-influence>.

no such disclosure. We presented this information to the U.S. Department of Justice, which declined to prosecute.

During our investigation, we communicated with staff in the EPA's National Policy, Training and Compliance Division, Office of Grants and Debarment, who told us that, while the EPA is aware of the provisions of the National Defense Authorization Act for Fiscal Year 2021 and the presidential memorandum, the Agency only requires grant applicants to disclose current and pending support during the grant application phase. There is no provision requiring the disclosure of foreign support after the EPA awards a grant.

Based on the foregoing, my office has identified a concern regarding post-award disclosures of foreign support and influence by grant recipients. This memorandum is to report our concern so that the EPA may:

- Take whatever steps it deems appropriate to ensure full transparency from grant recipients.
- Comply with the relevant statutory and governmentwide requirements.
- Ensure that there is no scientific or budgetary overlap of, foreign influence on, or other conflict related to EPA-funded research before and after the Agency awards grants.

Should you have any questions regarding this memorandum, please contact Special Agent [REDACTED] at [REDACTED] or via email at [REDACTED].

cc: Sean W. O'Donnell, Inspector General

LETTER SUBMITTED BY REPRESENTATIVE JIM BAIRD

Congress of the United States
Washington, DC 20510

March 1, 2023

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

Dear Administrator Regan:

We have been closely monitoring the Norfolk Southern train derailment and subsequent cleanup. We write out of serious concern with the decision to transport contaminated materials from East Palestine, Ohio, to a disposal facility in Roachdale, Indiana.

On February 3, 2023, an eastbound Norfolk Southern freight train derailed in East Palestine, Ohio. According to the National Transportation Safety Board (NTSB), the derailment included a total of 38 cars, 11 of which were carrying hazardous materials.¹

On February 21, using authorities granted under the *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA), the U.S. Environmental Protection Agency (EPA) issued a unilateral administrative order directing Norfolk Southern to “conduct all necessary actions associated with the [East Palestine] cleanup.” As part of the order, EPA required Norfolk Southern to “[i]dentify and clean up contaminated soil and water resources.” The order also created a “unified command structure” to coordinate the efforts of Norfolk Southern, federal agencies, and state agencies.²

As part of its mandated cleanup, Norfolk Southern began to remove contaminated soil and water from East Palestine. On February 23, Norfolk Southern shared with the Ohio Environmental Protection Agency a list of disposal facilities it had contracted with for disposal. According to local reporting, this list included facilities in Belleville, Michigan; East Liverpool, Ohio; Romulus, Michigan; Deer Park, Texas; and Vickery, Ohio.³

On February 24, only three days after directing Norfolk Southern to lead the East Palestine cleanup, EPA ordered Norfolk Southern to pause its cleanup. During a joint media briefing, EPA Regional Administrator Debra Shore claimed that this pause was initiated “to identify sites that

¹ Press Release, National Transportation Safety Board, NTSB Issues Investigative Update on Ohio Train Derailment (Feb. 14, 2023), <https://www.nts.gov/news/press-releases/Pages/NR20230214.aspx>.

² Press Release, Environmental Protection Agency, EPA Orders Norfolk Southern to Conduct All Cleanup Actions Associated with the East Palestine Train Derailment (Feb. 21, 2023), <https://www.epa.gov/newsreleases/epa-orders-norfolk-southern-conduct-all-cleanup-actions-associated-east-palestine>.

³ Bennett Haeblerle, *Hazardous waste removal continues from East Palestine train derailment*, WBNS-TV (Feb. 27, 2023), <https://www.10tv.com/article/news/investigations/10-investigates-hazardous-waste-removal-continues-from-east-palestine/530-c9279169-248a-42dc-8abe-d60f237c12af>.

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are CERCLA-approved and can accept [the contaminated soil and water]” and to evaluate whether the contaminated soil and water should be transported over long distances.⁴

Other official statements from EPA, however, suggest that the agency deemed the facilities originally chosen by Norfolk Southern to be well-equipped to process contaminated materials. During the February 24 joint media briefing, Regional Administrator Shore clarified that the facilities were “up to the standards” for disposal. In a statement to local media, Norfolk Southern also clarified that the facilities it chose “regularly accept this type of material and were chosen due to their specific ability and necessary permitting to dispose of these types of waste.”⁵

We are concerned that, rather than a matter of safety, the decision to halt the Norfolk Southern cleanup was made in response to objections from elected officials in Michigan.

Earlier on February 24, before EPA halted the Norfolk Southern cleanup, the Michigan Department of Environment, Great Lakes, and Energy learned that licensed hazardous waste facilities in Michigan were receiving shipments of contaminated soil and water.⁶ Later that same day, Wayne County Executive Warren Evans held a joint press conference on the matter with two members of the Michigan Congressional delegation.

Less than 30 minutes after the press conference ended, EPA halted the Norfolk Southern cleanup and the delivery of contaminated soil and water to licensed hazardous waste facilities in Michigan. The Members of Congress in attendance at Wayne County Executive Evans’s press conference were directly notified.⁷ Following the halt of Norfolk Southern’s cleanup, five truckloads of contaminated soil were returned to East Palestine.⁸

On February 26, EPA announced that it “identified [two] EPA-certified facilities” to accept contaminated materials from East Palestine. Both facilities approved by EPA—the facilities in Vickery and East Liverpool, Ohio—were in use by Norfolk Southern before EPA halted the cleanup. In addition to recertifying these facilities, EPA also confirmed during a joint media briefing that the other sites chosen by Norfolk Southern were “EPA-approved.”⁹ These

⁴ Joint Media Briefing on East Palestine Train Derailment Recovery Efforts (Feb. 25, 2023), https://www.youtube.com/watch?v=R5GaSn_uZEs.

⁵ *Ibid.*, See also Mike Valente, *U.S. EPA orders Norfolk Southern to pause waste removal from train derailment*, WTAE-TV (Feb. 26, 2023), <https://www.wtae.com/article/east-palestine-train-derailment-norfolk-southern-epa-pause-waste-removal/43077333>.

⁶ Mark Hicks, *Officials: Ohio train wreck waste headed to Wayne County halted*, The Detroit News (Feb. 25, 2023), <https://www.detroitnews.com/story/news/local/wayne-county/2023/02/25/officials-ohio-train-wreck-waste-headed-to-wayne-county-halted/69942874007/>.

⁷ James David Dickson, *Train company in line for \$15M subsidy sent contaminated soil to Wayne County*, Michigan Capital Confidential (Feb. 24, 2023), <https://www.michigancapitolconfidential.com/news/train-company-in-line-for-15m-subsidy-sent-contaminated-soil-to-wayne-county>.

⁸ Associated Press, *EPA orders ‘pause’ of derailment contaminated waste removal* (Feb. 25, 2023), <https://apnews.com/article/politics-climate-and-environment-us-environmental-protection-agency-ohio-pennsylvania-ef698f4bbbceale2b7d7e2bad66bbd4e>.

⁹ Joint Media Briefing on East Palestine Train Derailment Recovery Efforts (Feb. 26, 2023), <https://www.youtube.com/watch?v=bkuYzbTLsJM&t=235s>.

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announcements deepen our concern about the nature of EPA's decision to halt the Norfolk Southern cleanup.

On February 27, EPA announced that two more facilities—one in Grafton, Ohio, and another in Roachdale, Indiana—would begin to receive contaminated materials from East Palestine. During this announcement, EPA also explained that it “had promised to notify elected officials and our state agency partners before approving the shipment of any waste from the derailment to their state or district.”¹⁰

This does not appear to have been the case in Indiana. In fact, in his statement on February 28, Governor of Indiana Eric Holcomb explained that he learned about the decision to transport contaminated materials to Roachdale “third-hand.” Governor Holcomb also noted his continued objection to the decision and concerns with the “lack of communication” between EPA and Indiana elected officials.¹¹

We have a high degree of confidence in the Hoosiers operating the facility in Roachdale, Indiana, who are used to and well-practiced in handling these types of contaminated materials.

However, we have heard from Hoosiers who share our concerns about how EPA, the U.S. Department of Transportation, and Norfolk Southern have handled the cleanup following the East Palestine derailment. Specifically, our constituents have requested increased oversight because they share our concerns about the decision to transport contaminated materials to the Roachdale, Indiana, facility.

Please provide written responses to the following questions within one week:

1. Did EPA perform oversight of the initial Norfolk Southern cleanup, as governed by the unilateral administrative order?
 - a. If so, how does this oversight regime compare to the oversight performed after EPA halted and exerted control over the cleanup?
 - b. If not, why not? Was EPA limited by any statute or rulemaking from performing oversight?
2. Exactly when did EPA decide to halt the Norfolk Southern cleanup?
3. When EPA halted the Norfolk Southern cleanup, contaminated materials that were *en route* to a disposal facility were returned to East Palestine.
 - a. What specific criteria were used to make this decision?
 - b. Was the public exposed to unnecessary risk because materials were returned to East Palestine?
4. In its official statements on February 25 and 26, EPA explained that each of the sites chosen by Norfolk Southern were “up to the standards” and “EPA-approved” to dispose contaminated materials. If that is the case:

¹⁰ Joint Media Briefing on East Palestine Train Derailment Recovery Efforts (Feb. 27, 2023), <https://www.youtube.com/watch?v=C4ebirh-ltY>.

¹¹ Governor Eric Holcomb (@GovHolcomb), Twitter (Feb. 28, 2023, 11:33 AM), <https://twitter.com/GovHolcomb/status/1630607017512427526>.

The Honorable Michael Regan
March 1, 2023
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- a. Why did EPA halt the Norfolk Southern cleanup?
 - b. Why did EPA recertify the Vickery, Ohio, and East Liverpool, Ohio, facilities, but not the Belleville, Michigan; Romulus, Michigan; or Deer Park, Texas facilities?
5. In its official statements on February 25, EPA explained that it was concerned about the total distance that contaminated materials would travel between East Palestine and disposal facilities. However, both facilities chosen by Norfolk Southern in its initial cleanup are significantly closer to East Palestine than Roachdale, Indiana, facility. If EPA was prioritizing total distance traveled, why was the Roachdale facility chosen instead of closer facilities?
6. The Roachdale facility was the first facility outside of Ohio to receive contaminated materials after EPA exerted control over the cleanup.
 - a. What specific criteria were used to make this decision?
 - b. Exactly when was Governor of Indiana Eric Holcomb notified by EPA?
 - c. Exactly when was the Indiana Department of Environmental Management notified by EPA?
7. As of February 28, EPA has not announced whether the contaminated materials that were diverted from Michigan to East Palestine had been transported to another facility. Will any of these diverted materials be transported to the Roachdale facility?
8. The aftermath of the Norfolk Southern derailment has tested the faith and trust our constituents place in EPA. Constituents in Putnam County are concerned about being exposed to unnecessary risk from exposure to contaminated materials if materials have to be turned away or are forced to wait outside the facility while materials are tested for compliance.
 - a. What on-site testing procedures are in place in East Palestine to test contaminated materials for the types and levels of contamination before they are transported to a facility for disposal?
 - b. Is EPA working to preemptively test and determine that facilities are certified to process the contaminants they are being asked to process?

Sincerely,



Mike Braun
U.S. Senator



Jim Baird, PhD
Member of Congress

LETTER SUBMITTED BY REPRESENTATIVE MIKE COLLINS



Portland Cement Association
 200 Massachusetts Ave NW, Suite 200
 Washington D.C. 20001
 202.408.9494 Fax: 202.408.0877
www.cement.org

September 27, 2023

The Honorable Frank Lucas
 U.S. House of Representatives
 Committee on Science, Space & Technology
 Washington, D.C. 20150

The Honorable Zoe Lofgren
 U.S. House of Representatives
 Committee on Science, Space & Technology
 Washington, D.C. 20150

Dear Chairman Lucas and Ranking Member Lofgren:

I am writing on behalf of the Portland Cement Association (PCA)¹ in support of the hearing entitled, *Science and Technology at the Environmental Protection Agency (EPA)*. We support the Committee's oversight of the EPA within its jurisdiction to evaluate how the Agency's regulatory actions connect to its data collection and evaluations. In the past two years, the Agency has pursued two rulemakings on Cross-State Air Pollution and Particulate Matter, each threatening significant harm to the cement industry.

We appreciate the opportunity to share our views on the state of federal air quality rulemaking. PCA's members represent the majority of cement production capacity in the United States and serve nearly every congressional district. The cement and concrete industry contributes over \$100 billion to the U.S. economy annually and employs over 600,000 people. Sustainability and environmental stewardship are top priorities for America's cement manufacturers. Producing sustainable infrastructure, protecting the environment from harmful air emissions, and reducing greenhouse gas emissions are fundamental goals for the cement industry, the United States, and the world. PCA and its members support pragmatic and technically feasible air emissions controls to meet those goals.

The EPA's Good Neighbor Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standard (Cross-State Air Pollution Rule, CSAPR, or Proposed Rule) was notably deficient when first proposed. While certain aspects of the final rule were revised following stakeholder input, the entire process was plagued by significant data errors and deliberate barriers by the Agency to impede public input.

EPA developed standards for the cement industry that were based on erroneous data and mischaracterized emissions controls employed by the industry. EPA erroneously concluded that zero cement plants of the plant analyzed by EPA in the states affected by CSAPR employed selective non-catalytic reduction (SNCR) to control nitrogen oxide (NO_x) emissions, but, in actuality, ¾ of those cement kilns have SNCR. A large number of those kilns with SNCR controls are subject to EPA consent decrees requiring the installation of controls and enforceable

¹ PCA conducts market development, engineering, research, education, technical assistance, and public affairs programs on behalf of its member companies. Our mission focuses on improving and expanding the quality and uses of cement and concrete, raising the quality of construction, and contributing to a better environment.

NOx limits that were negotiated case by case, with site-specific consideration taken into account. In addition, EPA could have used existing information in the pollution control technology guidance clearinghouse that includes all Federal Title V Permits to determine the correct information for the cement industry.

EPA used erroneous data and failed to do adequate due diligence in regulating the cement industry under CSAPR to justify both an overly stringent source cap limit that would have imposed lower emissions standards than for new cement plants and limits based on kiln type. EPA ultimately removed the source cap limit in the final rule after PCA submitted comments and an economic analysis showing the substantial costs to the cement industry, but EPA kept emissions standards by kiln type in the final rule. PCA is involved in litigation to overturn this rule as the emissions standards by kiln type will be burdensome for the industry.

Furthermore, the EPA failed to provide adequate time for the public to consider the key data justifying the Proposed Rule and the significant ramifications it would have on the affected industries. A comment period of 76 days is an insufficient amount of time to properly evaluate the Proposed Rule and associated supporting data and to correct the erroneous cement industry data in the regulatory docket. The Agency did not provide all the modeling data and analysis underlying the Proposed Rule until May 3, 2022, when more than 37 terabytes of data were provided to stakeholders. Even with the 15-day extension, the time to evaluate the modeling data and analysis was less than the original comment period length of 60 days. It takes several days just to copy and set up files of this size so that a stakeholder could use the data and conduct a proper review. Then, to conduct a standard analysis of the source apportionment modeling would require a minimum of an additional 80 days of computer time on a high-performance computer just to assess the results.

The EPA failed to provide the public a meaningful opportunity to comment on the Proposed Rule and, as such, there are sufficient grounds for reversal of the rule by the D.C. Circuit Court of Appeals, under the Administrative Procedure Act (“APA”) at 5 U.S.C. § 706.³ The most fundamental due process afforded to any stakeholder in an administrative proceeding, and as required by the APA, is the opportunity to consider the record on which an Agency has based its Proposed Rule. EPA did not make all the modeling data publicly available when the Proposed Rule was published in the Federal Register on April 6, 2022. Stakeholders only received all the data on May 3, 2022, after multiple requests were submitted to the EPA. EPA clearly did not allow stakeholders time to properly evaluate data and develop meaningful comments on a key aspect of EPA’s analysis underlying the Proposed Rule.

Further, the untimely release of the data made it unreasonably difficult to review the basis for the rule and its effects on the cement industry. The Proposed Rule is an interstate transport rule that is premised on modeling showing the transport of NOx emissions from upwind to downwind states. While EPA did provide limited sets of data in the regulatory docket at the beginning of the comment period, the core aspects of the Proposed Rule – the actual modeling files on which EPA based its analysis of the transport of NOx emissions and concluded that certain industries significantly contributed to ozone nonattainment in downwind states – was not made available to the public until the comment period was one-third over. As such, stakeholders did not have

sufficient time to analyze the data and submit meaningful comments on a Proposed Rule that will have significant ramifications for all stakeholders, including the cement industry.

The comment period did not provide sufficient time for the cement industry to evaluate the industry source-specific contribution data and provide meaningful comments on the data. The data is utilized as the basis for EPA's methodology for determining that the cement industry is a Tier 1 non-electric generating unit (EGU) industry, which was defined by the EPA as industries that have a "maximum contribution to any one receptor of greater than 0.10 parts per billion ("ppb") and contribute greater than or equal to 0.01 ppb to at least 10 receptors," providing justification to impose further emissions reductions and potential implementation of additional emissions controls for the cement industry.

If EPA had further extended the comment period, beyond the 76 days provided, in response to multiple requests from Congress, state regulatory agencies, and industry, including PCA, stakeholders would have had the opportunity to properly evaluate the modeling data and submit meaningful comments. The EPA's failure to provide the public a meaningful opportunity to evaluate the modeling data and submit meaningful comments on the Proposed Rule will be grounds for reversal by the D.C. Circuit Court of Appeals.

The CSAPR is not the only example of recent data and analysis failings at the EPA. The Agency's proposed PM standard, released in January 2023, is poised to harm cement manufacturing dramatically. The proposed rule would lower the primary (health-based) annual fine particulate matter (PM_{2.5}) standard from the current level of 12 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) to within a range of 9 $\mu\text{g}/\text{m}^3$ to 10 $\mu\text{g}/\text{m}^3$. State governments would be required to implement the proposal, with local manufacturers carrying the ultimate costs and regulatory burden. The proposed lowering of the standard is unlikely to be achievable through increased regulations on industry. Industry is not the primary source of PM_{2.5} emissions. The majority of emissions are comprised of "background" emissions, attributed to nonpoint sources, including wildfires, dust from unpaved roads, and agriculture that are not directly regulated by states, like industrial facilities. Wildland fires account for more than 30% of primary PM_{2.5} emissions. Nationally, the cement industry's contribution to PM_{2.5} emissions only makes up a 0.1% share of total PM_{2.5} emissions. A single wildfire event could wipe out all the gains made by the cement industry. As the cement industry is already well-regulated for PM and cement facilities has invested in baghouses and other state-of-the-art technologies to control PM and dust emissions. PCA emphasizes the need for the EPA to focus its attention on more significant sources of PM_{2.5}, including wildfires, without such a focus, attempts to meet a lowered standard will disproportionately harm domestic American manufacturing.

PCA's Market Intelligence group in the attached report estimates that lowering the annual PM_{2.5} standard to 10 $\mu\text{g}/\text{m}^3$ could require \$124.2 million in capital expenditures and \$40.3 million in additional annual operating expenses for U.S. cement producers. A standard of 8 $\mu\text{g}/\text{m}^3$ could cost domestic manufacturers \$216 million in capital compliance expenditures and \$70 million annually in operating expenses. Even after such a significant investment, there is still uncertainty as to whether such investments would significantly contribute to achieving the reductions in PM_{2.5} necessary to meet the proposed standards. The way the Agency reviews and applies data to the Clean Air Act is worthy of oversight by the Committee.

We encourage the Committee to consider how the EPA can improve data handling as part of rulemakings in the Clean Air Act. We offer assistance on any technical or other drafting questions required for that effort. Achievable air emissions regulations are necessary as the cement industry focuses on decarbonization in the coming decade. We appreciate your consideration of our views. If you have any questions, please get in touch with me at soneill@cement.org or (202)719-1974.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sean O'Neill".

Sean O'Neill
Senior Vice President, Government Affairs
Portland Cement Association