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Committee on Environment
and Public Works Washington, D.C.

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NOMINATION HEARING FOR KRISTEN KULINOWSKI TO BE A MEMBER OF THE
CHEMICAL SAFETY BOARD AND GREG NADEAU TO BE ADMINISTRATOR OF THE
FEDERAL HIGHWAYS ADMINISTRATION

WEDNESDAY, JULY 15, 2015

U.S. SENATE

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 9:30 a.m. in room
406, Dirksen Senate Building, the Honorable James Inhofe
[chairman of the committee] presiding.

Present: Senators Inhofe, Capito, Boozman, Fischer,
Rounds, Carper, Gillibrand, and Markey.

Senator Inhofe. Consistent with our policy of starting on time, we are going to start on time, Senator Collins.

I know that Senator King is going to be coming to join you in the introduction, but since he is not here, we will start with you, if you would proceed.

STATEMENT OF THE HONORABLE SUSAN COLLINS, A UNITED STATES
SENATOR FROM THE STATE OF MAINE

Senator Collins. Thank you very much, Mr. Chairman and Ranking Member Boxer, for convening this hearing on the nomination of Greg Nadeau to be the Administrator of the Federal Highway Administration at the U.S. Department of Transportation.

I am truly honored to speak before this committee in strong support of Mr. Nadeau's nomination. He is a Maine native. That gives him great credibility in my eyes to start and perhaps more important to this committee, he truly is a transportation expert.

He is also a former member of the Maine State Legislature and he was an advisor to two of Maine's governors, John Baldacci and my colleague, Angus King.

I have known Greg for many years and have worked closely with him on many important transportation issues. As Angus will describe in greater detail, Greg has a long record of public service and experience in transportation policy, including serving very ably as the Deputy Administrator of the Federal Highway Administration since 2009.

The President's nomination of Greg is a well earned recognition of his expertise in highway policy and his effectiveness as a manager of people and programs.

As Chairman of the Transportation Appropriations

Subcommittee, I have enjoyed working closely with Greg and I look forward to the opportunity to continue this relationship if he is confirmed to serve as the Administrator.

Greg's nomination comes at a critical time for FHA, the transportation industry and the traveling public. As this committee is well aware, the Highway Trust Fund faces yet another shortfall at the end of this month.

A lapse in federal funding, particularly at a time when most States are at the peak construction season, would be disastrous for local economies throughout the Nation. I want to salute the leaders of this committee for your hard work in unanimously crafting and passing a bill to reauthorize our surface transportation programs for the next six years.

As Greg's nomination process moves forward, I want to tell the committee that I cannot think of a better person to lead the Federal Highway Administration in its ongoing stewardship of the construction, maintenance and preservation of our Nation's highways, bridges and tunnels. He is a remarkable leader, a man of integrity and an expert in transportation policy.

I urge this committee to support Greg Nadeau and to move this nominee swiftly through the confirmation process.

I mentioned earlier in my remarks that Greg worked for Senator King as his advisor on a host of issues. I am sure that Senator King will give you an even more detailed background

about this outstanding nominee.

Again, thank you for the opportunity to appear before you.

[The prepared statement of Senator Collins follows:]

Senator Inhofe. Thank you, Senator Collins.

Senator King, you are recognized.

STATEMENT OF THE HONORABLE ANGUS KING, A UNITED STATES SENATOR
FROM THE STATE OF MAINE

Senator King. Thank you very much, Mr. Chairman, Ranking Member Boxer, and members of the committee.

When I was elected as Governor of Maine in 1994, about a week after my election, literally one of the first phone calls I made was to Greg Nadeau. I asked him to join my office as one of my senior policy advisors, one of three at the time, because of his experience, his judgment, his integrity and his intelligence.

He is a former legislator, a member of the Maine Legislature for 12 years, a member of our Maine Appropriations Committee, so he understands the legislative process and understands the policy process.

For eight years, he was my senior policy advisor in areas of transportation, corrections, labor and other related issues and proved himself to be exactly what I hoped and expected he would be.

He also went on to the Maine Department of Transportation after I left office and thought I had left politics and worked as a senior policy advisor in the Maine Department of Transportation. He worked with his colleagues across the Country on transportation issues.

Since 2009, he has been here in Washington at the

Department of Transportation in the Federal Highway Administration and has really demonstrated a dedication to infrastructure and highway issues and a deep knowledge of how this works, I think importantly, not only at the federal level, but at the State level, how the policies made here in Washington affect the States.

He saw that in my office when I was governor, he saw that as a senior official at the Maine Department of Transportation, so he has seen both sides of the Federal Highway Administration. I think that is a crucially important quality for someone in this very important position.

He is a man of impeccable integrity, intelligence, judgment and also has what we in Maine refer to as a superb work ethic, the highest compliment you can pay to someone in Maine. I do not know if this is a familiar term here, but the highest compliment you can pay to someone in Maine is to say he is finest kind. He is the finest kind. Greg certainly fills that criteria.

It is an honor for me to join Senator Collins today to enthusiastically commend his capabilities and his experience to this committee.

[The prepared statement of Senator King follows:]

Senator Inhofe. Thank you, Senator King and Senator Collins, both of you.

I have to say the comments you have made are consistent with the comments I had just last night with a person I consider, and Senator Boxer knows this, our number one advisor, Gary Ridley. He has to be a great guy with the three of you; that is all I can say.

You may be excused if you have other things to do.

Senator King. Thank you.

Senator Collins. Thank you.

Senator Inhofe. Senator Markey, I understand Ms. Kulinowski actually worked in your House office for a period of time. Would you like to participate in her introduction?

Senator Markey. If I could, thank you.

STATEMENT OF THE HONORABLE ED MARKEY, A UNITED STATES SENATOR
FROM THE STATE OF MASSACHUSETTS

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

It does give me great pleasure to introduce Dr. Kristen Kulinowski, a nominee for the Chemical Safety Board.

Kristen is a highly technically qualified candidate with a Bachelors, Masters and Doctoral degree in Chemistry. She is a native of Buffalo, New York. She also has lived and worked in California, Texas and Washington, D.C. in many academic, managerial and policy roles.

I first met Kristen when she began as one of my congressional science and engineering Fellows. Her fellowship class literally started its orientation just two days before the terrorist attacks on September 11. They were in the Library of Congress on that terrible and chaotic morning.

I learned later that not only did Kristen respond to the 9/11 attacks at the Pentagon by staffing the food and water distribution to the exhausted emergency workers on the scene the next day, but she also had been a volunteer with the American Red Cross for many years, responding in the middle of the night to help people displaced from their homes by house fires and serving our national level disaster responses such as Hurricane Andrew. It is literally the case that when Dr. Kulinowski hears someone yell fire, she runs toward the source and not away from

it.

When Kristen was a Fellow in my office, one of her key accomplishments was in writing and successfully negotiating bipartisan support for a provision that was enacted into the Bioterrorism Act of 2002. The provisions expands from 10 to 20 miles the radius around a nuclear power plant that people can get free potassium iodide to protect their thyroids from exposure to radioactive iodine that may be released after an accident or act of terrorism.

Her ability to marshal the support for the provision and negotiate an acceptable outcome for stakeholders with very different views on nuclear safety is a testament to her ability to communicate the scientific facts, while making reasonable compromises with stakeholders on all sides of the issue.

After leaving my office, she developed an international reputation as an expert in nanotechnology. To address issues of potential risk, she built a coalition of diverse constituents that included major chemical companies, environmental and consumer advocacy groups recognizing that a better outcome always results when all views are considered and incorporated.

I, and many others, can attest to Kristen's scientific credentials, impartiality and collegiality. These qualities will serve her exceptionally well at the Chemical Safety Board. I give her my unqualified support and urge my colleagues to do

the same.

[The prepared statement of Senator Markey follows:]

Senator Inhofe. Thank you, Senator Markey. That is an excellent statement.

We are here today to do our constitutional duty to advise and consent to nominations. If the two of you would like to take your places at the table, I will do an opening statement, Senator Boxer will do an opening statement and then we will hear from you and get into the nomination process.

STATEMENT OF THE HONORABLE JAMES INHOFE, A UNITED STATES SENATOR
FROM THE STATE OF OKLAHOMA

Senator Inhofe. Mr. Greg Nadeau has been nominated to be Administrator of the Federal Highway Administration. Ms. Kulinowski has been nominated to be a member of the Chemical Safety and Hazard Investigation Board. I want to thank both of you for being here today.

Beginning with the first nominee, Mr. Nadeau became the Acting Administrator of Federal Highway Administration in December 2013 and has been with the agency since 2009, previously serving as Deputy Administrator. In addition to his current position as Acting Administrator, he serves on the DOT's Freight Policy Council, providing advice on the development and implementation of federal freight policy. It is very appropriate that ability is there since we are considering a bill right now that has a major freight component to it.

Before becoming Acting Administrator, Mr. Nadeau served as a Senior Policy Advisor to then Governor Angus King, as you heard in his introduction, and then as Deputy Commissioner for Maine's DOT. Earlier in his career, Mr. Nadeau served in the Maine House of Representatives. He served as a supporter of the American Association of State Highway and Transportation Officials as well as both of his home State Senators, as you noted in their introduction.

The Administrator of the Federal Highway Administration is an extremely important position for this committee. I look forward to discussing with you how we can continue to accelerate delivery of highway projects. It is very timely.

The next nominee is Ms. Kristen Kulinowski. She may not be known quite as well to some of us but she has spent some time on the Hill as pointed out by Senator Markey.

This is the second CSB nomination hearing we have had. We heard from Ms. Sutherland in April. We discussed with Ms. Sutherland that the Chemical Safety Board is a deeply troubled agency.

Since our April hearing, Board Member Griffon has stepped down. His term ended on June 24. Board Member Engler is now the chief executive for the Board. Mr. Engler has taken action to address the mismanagement, harassment and turmoil at the CSB by putting Managing Director Daniel Horowitz and General Counsel Richard Loeb on administrative leave.

It is important to point out these two employees were the subject of an investigation by the EPA Inspector General as well as the House Oversight and Government Reform Committee for harassing other employees, for using private email accounts to hide their plans for operating the CSB from other Board members and the CSB staff, for delaying CSB investigations, and subsequently delaying information requests from the EPA IG until

the IG finally contacted the White House for assistance.

It is also important to note that the mismanagement resulted in President Obama calling for former CSB Chairman Rafael Moure-Eraso's resignation in response to these investigations and a request from Senator Rounds and me in March of this year.

It is important to the basic functioning of the CSB that as the investigation of Mr. Engler and the CSB begins, that it has the resources it needs to complete further reform of the CSB.

I look forward to discussing these and other issues.

Senator Boxer?

[The prepared statement of Senator Inhofe follows:]

STATEMENT OF THE HONORABLE BARBARA BOXER, A UNITED STATES
SENATOR FROM THE STATE OF CALIFORNIA

Senator Boxer. Thank you, and welcome to our two nominees.

Mr. Chairman, as we know, the confirmation of highly-qualified individuals to lead federal agencies is an extremely important responsibility of ours and of the Senate. I think what we see before us is just that, two highly qualified individuals.

I want to congratulate both of you on these nominations and also on the strong statements made on your behalf by Senators, including our own Senator Markey and of course, the two Senators from Maine.

We know that Mr. Nadeau has been the Deputy Administrator for FHWA since 2009 and has carried out the duties of Acting Administrator for the agency since December 2013. Before joining FHWA, Mr. Nadeau gained valuable experience at the State level. We heard a lot about that in beautiful words from the two Senators, so I will not go through that.

We know, if confirmed, you, sir, will be responsible for administration of our Nation's federal-aid highway program. That is so critical. All of us on this committee, regardless of party, are so strongly behind a robust transportation policy.

If confirmed, I think you will enjoy working with every single one of us. Honestly, if you were here to have a job at

the EPA, I could not say that. I think it would be tougher for you, but when it comes to the highways, we are, in fact, very much together, which is important.

I think we have here a gentleman who has been praised to the skies by people we respect. I hope we can move quickly.

Of course we will also hear from Kristen Kulinowski. We heard a lot from Senator Markey about her character. I took away from you, sir, that you have a person here who you testified is someone who brings people together. This is essential in that particular agency at this particular time.

I think in addition to all of her other work, she is an adjunct assistant professor at Rice University's Department of Chemistry. We are talking about someone who is not a politician, but someone who is a scientist. This is what we really need. That is what she did for Senator Markey. She was the Congressional Science Policy Fellow when he was in the House.

We know the CSB investigates industrial chemical accidents involving fatalities, serious injuries, or substantial property damages and makes recommendations to industry and federal and State agencies as to how we can avert similar events from occurring.

Safety is the CSB's number one priority. I look forward to hearing from Dr. Kulinowski about how she intends to meet the

challenges ahead.

Mr. Chairman, I feel so good about these nominees and I hope you do also. I hope we can move on them quickly.

Thank you.

[The prepared statement of Senator Boxer follows:]

Senator Inhofe. Thank you very much, Senator Boxer.

We will proceed and start with you, Mr. Nadeau. If you will try to confine your remarks to five minutes, your entire statement will be made a part of the record. You are recognized.

We are going to try to keep moving along here because we do have votes coming up shortly and I do not want to have to come back.

STATEMENT OF GREG NADEAU, NOMINATED BY PRESIDENT OBAMA TO BE
ADMINISTRATOR, FEDERAL HIGHWAY ADMINISTRATION

Mr. Nadeau. Thank you, Chairman Inhofe, Ranking Member Boxer, and members of the committee, I appreciate the opportunity to appear before you today as you consider my nomination for Administrator of the Federal Highway Administration. I am honored to have been nominated for this position by President Obama with the support of Secretary Foxx.

Serving as the FHWA Deputy Administrator since 2009 and carrying out all the duties of the Administrator for the last 20 months, I am mindful of the many challenges and responsibilities facing the next Federal Highway Administrator.

I appreciate the important role this committee plays in establishing transportation policy. Should you confirm me, I look forward to working with you and your staff to improve safety and mobility of our Nation's highways and the delivery of the Federal Aid Highway Program.

I would like to extend my thanks to Senator Collins and Senator King for their warm introduction. Having both Senators from my home State appear on my behalf is truly humbling. I cannot sufficiently express my gratitude.

Maine is so fortunate to have such a strong advocate for transportation in Senator Collins and in her role as Chair of our Appropriations Subcommittee and as a national leader.

It is fair to say that serving in Senator King's administration while he was Governor of Maine was the inspiration that led to my continuing public service at the State and federal levels. It has been extremely satisfying and rewarding for me personally and has afforded me the opportunity to make a contribution to my State and my Country.

With your permission, Mr. Chairman, I would like to introduce my son, Nicholas, sitting behind me, currently a resident of Arlington, Virginia. I am happy to say he is gainfully employed in the construction management sector here in this area.

My family has been extremely supportive of me throughout my 27 years of State service in Maine and my 6 years of federal service here in Washington. Due to the occasion of my daughter's wedding on Saturday, she and her mother understandably are unable to attend today. Nicholas and I will be heading home after this hearing to help prepare and celebrate this grand event in our family.

Mr. Chairman and Ranking Member Boxer, holding this hearing in the midst of your extraordinary workload is much appreciated and a wonderful wedding present to my entire family. Thank you.

I believe my extensive public service has prepared me well to lead the Federal Highway Administration. I would like to highlight today some of the key priorities if I am confirmed.

First is safety. Fatalities and serious injuries on our roads are declining, but the numbers are still far too high. If confirmed, I will work to drive these numbers further downward, consistent with Secretary Foxx's embracement of the Toward Zero Deaths national goal.

We will build on the data-driven, strategic approach of the Highway Safety Improvement Program and maintain Federal Highway's emphasis on safety countermeasures like Safety EdgeSM and the high-friction surface treatments that could be deployed system-wide at a low cost and yield significant safety gains.

If confirmed, I will prioritize and lead FHWA into the next authorization period. As members of this committee, there is no doubt you are all quite familiar with the cost of inadequate and delayed infrastructure investment. Among them is the decline in the condition of our Nation's roads and bridges and their ability to handle current and future traffic demands, safety impacts, increased shipping delays and higher prices on every day products, and uncertainty for State and local project sponsors. With the DRIVE Act, you are leading the charge in Congress to long-term authorization to help address these issues in a bipartisan way.

As you know, President Obama has also put forward a proposal called the Grow America Act. If confirmed, I will work with you to help provide highway infrastructure the bold

investment it needs.

Next, considering the budget constraints at all levels of government, we must deliver the best value for every taxpayer dollar. This committee provided many tools toward this end in MAP 21. The Grow America Act seeks to build on that foundation.

Additionally, Federal Highway's EDC innovation partnership with the States is helping shorten project delivery through deployment of process innovations and the increased use of technology with the result of States and local agencies saving time and money that could be directed to additional projects. I believe we enhance the environmental income through efficiency.

I have been fortunate to have led Federal Highway's efforts to carry out EDC and if confirmed, I look forward to taking EDC to the next level in partnership with States and locals to deliver the highway program of the future. The resources and tools provided under MAP-21 and targeted toward accelerating project delivery have already had an impact across the Country. This unique federal, State and local partnership personifies the smart government approach.

The proposed codification of EDC in the DRIVE Act will serve as a catalyst in encouraging our stakeholders to maximize our collective efforts to improve safety and project delivery efficiency through innovation.

Mr. Chairman, recognizing the many demands on our time, I

very much appreciate the opportunity you and the entire committee have provided to testify here today in consideration of my nomination as Federal Highway Administrator.

I would be happy to answer any questions.

[The prepared statement of Mr. Nadeau follows:]

Senator Inhofe. Thank you, Mr. Nadeau, for an excellent statement.

Dr. Kulinowski?

STATEMENT OF KRISTEN KULINOWSKI, NOMINATED BY PRESIDENT OBAMA TO
BE A MEMBER OF THE CHEMICAL SAFETY BOARD

Ms. Kulinowski. Thank you, Chairman Inhofe, Ranking Member Boxer, and distinguished members of the committee. I am honored to have been nominated by President Obama to be a member of the Chemical Safety Board.

I am joined here today physically and virtually by my family, friends and colleagues who have supported and inspired me throughout my career, including my husband and daughters.

Senator Inhofe. Have your daughters stand.

Ms. Kulinowski. They are Kiara and Cleo.

This nomination is the culmination of two decades of professional experience in academia and public policy. I am currently employed at the Institute for Defense Analyses Science and Technology Policy Institute, a federally-funded research center that performs objective analysis of national science and technology policy in support of the White House Office of Science and Technology Policy and other federal executive agencies.

In the last four years, I have worked on a diverse set of topics including program evaluation, innovation policy, and disaster response.

While my portfolio in my current job has been broad, first and foremost, I am a chemist. I hold a BS in chemistry with

Honors from Canisius College and MS and PhD degrees in chemistry from the University of Rochester. After earning my doctorate, I held faculty appointments at Cal Poly and Rice University before coming to Washington, D.C. in September 2001 as a Congressional Science and Technology Policy Fellow.

As Senator Markey mentioned, on 9/11 my fellowship cohort was in orientation when word came about the attacks on our Country. Later that day, I went to the Pentagon as a volunteer with the American Red Cross to serve emergency workers responding to the attack.

This experience shaped my decision to accept a fellowship placement in then Congressman Markey's office where I staffed the Bipartisan Task Force on Nonproliferation. My time on Mr. Markey's staff gave me insight into the impact that a bipartisan policy process can have when people work together to achieve a common goal.

After my fellowship, I returned to Rice University to join the Center for Biological and Environmental Nanotechnology, where I served as Executive Director. My research focused on the environmental, health, and safety implications of engineered nanomaterials. This part of my background is particularly relevant to the activities of the Chemical Safety Board because it is where I earned my experience with worker health and safety.

When I began my appointment in the center, nanotechnology was a fledging field full of promise. But there were concerns that the novel chemical and physical properties of nanomaterials could lead to unwanted interactions with people and the environment.

Absent any specific guidance governing nanomaterials, many companies were concerned about investing resources into developing products without regulatory or market certainty. My policy experience afforded me the ability to help focus our center's efforts on evaluating the potential risks associated with the manufacturing and use of nanomaterials while few others were actively engaging in research on this topic.

At the urging of our industrial affiliates, our center created the International Council on Nanotechnology, ICON, a multi-stakeholder coalition dedicated to investigating and communicating nanomaterials' potential risks. Under my leadership as director, ICON created a neutral space where people from companies, environmental and consumer advocacy groups, government agencies, labor unions, and universities could explore the limited but growing body of scientific evidence about nanomaterial risk.

Governance was shared amongst the stakeholder groups, ensuring that no one sector would dominate the agenda, and high-quality fact-based evidence was prized above all else. ICON's

work products continue to have impact in the community and our innovative model for stakeholder engagement remains an example of what multi-stakeholder collaboration can achieve.

Although I am proud of what ICON achieved, creating an environment where stakeholders could have frank and honest discussions around sensitive issues was not a trivial task. It took time and effort to gain the trust of these disparate groups and to foster trust among them.

As Director of ICON, I learned much about working across diverse groups, which I believe will serve me well as a member of the CSB. It also sensitized me to the challenges of promoting safe and healthy workplaces for all Americans.

Workers are on the front lines of industrial processes and have high potential exposure to the risks of these processes. Fortunately, risks to U.S. workers from nanomaterial production have yet to manifest and, hopefully, they never will.

My experience exploring these issues brought me into contact with a larger community of people interested in making workplaces safer. As a result, I have partnered with NIOSH, OSHA, and NIEHS on projects directly related to worker protection.

The knowledge that many major industrial accidents could have been prevented drives me to continue my work in the area of industrial health and safety. The CSB is a small agency with a

large and important mission: to investigate the root causes of major industrial accidents that have adversely impacted workers or the surrounding community.

I appreciate that the CSB is dedicated to using facts and evidence to determine the causes of industrial accidents and avoids approaching investigations with preconceived notions about the outcome. That is the approach that I adopted when working on nanoparticle health and safety and it governs how I perform my analyses in my current job.

The CSB's rigorous, technical analyses provide a solid foundation for making recommendations to industry, labor, and local, State and federal agencies for changes that can help prevent accidents from happening in the future.

I am honored and excited to be considered for a position on the Chemical Safety Board. If confirmed, I will draw on my technical skills, experience with stakeholder engagement, and scientific dispassion to work toward the shared goal of ensuring that every American industrial worker goes home at the end of his or her shift.

Thank you for the opportunity to share my qualifications with you and for your consideration of my nomination.

[The prepared statement of Ms. Kulinowski follows:]

Senator Inhofe. Thank you, Dr. Kulinowski.

We have our three questions that I must ask you. I would ask each one of you to respond vocally to the questions.

Do you agree, if confirmed, to appear before this committee, or designated members of this committee and other appropriate committees, to provide information subject to appropriate and necessary security protection with respect to your responsibilities?

Mr. Nadeau. Yes.

Ms. Kulinowski. I do.

Senator Inhofe. Do you agree to ensure that testimony, briefings and documents in electronic and other forms of communication of information are provided to this committee, its staff and other appropriate committees in a timely manner?

Ms. Kulinowski. I do.

Mr. Nadeau. Yes.

Senator Inhofe. Lastly, do you know of any matters which you may or may not have disclosed that might place you in a conflict of interest if you are confirmed?

Ms. Kulinowski. No, sir.

Mr. Nadeau. No, sir.

Senator Inhofe. Thank you.

I have one question for you, Mr. Nadeau. Right now, as I stated in my opening remarks, this is a very appropriate time to

have you come forth in your particular position. As you know, the last bill we had was in 2005 when we had a five-year bill which worked very, very well. We are reaping the rewards of that right now.

However, after that, we went through a nine-year period of short term extensions. Our mutual friend, Gary Ridley, calculated it cost about 30 percent more to do it that way, so I tell my Republican friends that the real conservative position is a long term highway authorization bill.

I would like to ask you what would happen if we are unable to get the long term bill as opposed to a short term bill and looking also at the \$185 billion backlog we have and some of the large projects that are out there. What would be the result?

Mr. Nadeau. Mr. Chairman, it is really a cascading effect. There are multiple impacts at the very early stages. The uncertainty that is created in the absence of a long term funding solution and a long term bill introduces tremendous inefficiencies to the manner in which you put a long term capital program together.

Reflecting on my own experience as a Deputy Commissioner for Policy and Planning in the Maine DOT, we had a biannual budget and basically a six year transportation plan. You put a capital program together by looking out multiple years.

It could be projects that will take multiple years to

deliver, which obviously is very difficult to obligate and commit to if you do not know what your long term funding sources are going to be or what level that funding source will yield for your program. It affects, at the beginning, the ability to commit to projects. Secretary Ridley is obviously referring to is that uncertainty creates tremendous inefficiencies in project delivery in a number of ways.

The inability to know the extent of the project or at what levels obviously impacts us. We are obviously facing another deadline at the end of the month that has more immediate concerns as this committee very well knows.

A six-year bill at elevated funding levels, which introduces certainty to project sponsors, introduces the possibility of their having a much more efficient approach to project delivery. Before you build one bridge, you are going to need to know the extent to which the approaches to that bridge are going to be a part of a project that may be done in different segments.

It does introduce inefficiencies, Mr. Chairman. That is a consequence of the uncertainty.

Senator Inhofe. Yes, well said.

Dr. Kulinowski, in my opening statement, I talked about the mismanagement, the harassment and things that are taking place there now. The investigation is ongoing. I would ask, if you

are confirmed, will you commit to ensuring that this investigation continues unimpeded and has the resources that are required to conclude it?

Ms. Kulinowski. I respect there is a process currently underway to investigate potential misconduct amongst CSB employees. As I am on the outside, I have not been made privy to the details and facts underlying this investigation. As a result, I see no reason why today I would take a position to stop an ongoing investigation from going forward.

Senator Inhofe. That is very reasonable. The CSB has been criticized for advocating for things like inherently safer chemicals in the European safety case standard instead of investigating the causes of accidents and making recommendations based on the evidence.

How do you see your role in addressing these issues?

Ms. Kulinowski. First, I note that the CSB is not a regulatory agency. However, it is within its purview to make recommendations to regulatory agencies and others when its investigations conclude that changes are necessary to prevent future accidents.

However, if confirmed, I will come into the CSB with the mindset of taking each accident investigation on a case-by-case basis. I understand the safety case is used abroad in some other countries.

Before I was comfortable recommending abroad change to existing U.S. regulatory frameworks, I would think the CSB should engage a stakeholder engagement and consultation effort that brought in those experiences so we can learn from them and also engage extensively with the U.S. stakeholder community before moving forward with that.

Senator Inhofe. Thank you, Dr. Kulinowski.

We are going to have a five-minute round and try to get through in time for our votes that are coming up in a few minutes.

Senator Boxer?

Senator Boxer. Thank you so much.

I do not have any questions. I am a very strong supporter of these nominees. I feel I know enough to believe strongly that they are qualified and will be excellent additions.

I would like to ask unanimous consent to place in the record letters of support for Kristen Kulinowski from the American Industrial Hygiene Association; the American Stamp of Business Council; 21 non-profit organizations; John Baker, former Deputy Director for the Center of Biological Environment and Nanotechnology at Rice University; and W. Mark Lafranconi, former colleague in establishing the International Council on Nanotechnology.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Boxer. For Mr. Nadeau, AASHTO, a great organization, has written a letter; the American Society of Civil Engineers; and the American Highway Users Alliance, three incredibly important organizations with which we have worked in terms of getting a bill.

Senator Inhofe. Without objection.

[The referenced information follows:]

Senator Boxer. With that, I hope it goes well.

Senator Inhofe. Thank you, Senator Boxer. Senator Fischer?

Senator Fischer. Thank you, Mr. Chairman.

Mr. Nadeau, I want to extend my sincere thanks for the time and attention you have given to my home State of Nebraska, including your visit there last year and for your work on strengthening that partnership we have between the Federal Highway Administration and the Nebraska Department of Roads.

I appreciate your commitment to ensuring we are working together to streamline those environmental reviews and accelerate project delivery. You and I both understand the challenges we face in finding funding to devote to important infrastructure projects.

When we fight so hard to find that money, it is very, very frustrating to see any of it wasted on excessive paperwork. Those requirements do not really do anything to improve the environmental process or the outcomes we have.

We have struggled with this for some time in Nebraska, as you know. I am very pleased that Federal Highway and DOR have made progress in reducing the duration of the NEPA process and reducing project delivery times while we still ensure the federal aid projects in Nebraska are delivered in compliance with all federal laws.

Should you be confirmed, will you commit to working with State highway agencies to reduce and eliminate the cumbersome, bureaucratic red tape that we see sometimes and expedite the surface transportation projects?

Mr. Nadeau. Thank you, for the question, Senator Fischer, and your role in helping to facilitate the work that Federal Highway and our team has done with NDOR. It has yielded some very productive results in our project delivery efficiency initiative. I absolutely certainly would commit to the continuing effort with our partners at NDOR and Nebraska and the new leadership there. The Every Day Counts Initiative that I referenced earlier really is a national partnership.

Each State, D.C. and Puerto Rico has implemented innovation initiatives as a result of this partnership. When we first announced this back when now Deputy Secretary Mendez was Administrator, AASHTO was our principal partner and had to be.

We do not deliver the projects. State DOTs and local transportation agencies do. Their willingness in partnership and implementing innovation is essential. The partnership we have formed, the commitment our partners have made to a culture of innovation aimed at streamlining project delivery obviously is important to taxpayers; efficient and effective environmental protection; and certainly important in terms of the precious resources you are all working so hard to find.

I absolutely will commit to that and would describe it as a passion of mine.

Senator Fischer. It is a passion of mine as well. I certainly appreciate your commitment to continuing to move forward with those steps that are helpful for all of us.

As you know from our meeting last week, getting Nebraska the authority to process those categorical exclusions which go a long way to helping us get projects moving in the State. I know we have that agreement in place for State authority over the lower level CEs but that does not help our larger cities like Omaha and Lincoln.

Will you continue to work with Nebraska so we can be enabled to have that authority over all the CEs that are out there?

Mr. Nadeau. It is an ongoing effort and I absolutely will commit to that.

Senator Fischer. Thank you. When we met last week, you stated efficiency and project delivery is your number one focus. What are some of the specific actions you think Federal Highway and State partners can take to become more efficient in delivering those services?

Mr. Nadeau. We are continuing our efforts with the States, MPOs and local transportation agencies to implement the provisions of MAP-21. We acted fairly quickly on a number of

the accelerated project delivery provisions specifically.

Certainly a long term bill with significant increases in funding toward our Nation's infrastructure, establishing that predictability and reliability, is one way and probably the most important way, to some degree, of introducing the ability to be efficient in how we deliver the capital program as I discussed with Chairman Inhofe earlier.

Our job as the Federal Highway Administration with our partners in the States and the transportation professionals, my favorite Lincoln quote is if you had eight hours to chop down a tree, he would spend the first six hours sharpening his ax, and we are sharpening our ax.

We are working hard to ensure that our systems, our policies, and the types of policies inherent in MAP-21 are efficiently administered and that we are getting every bang for our buck.

That certainly is something I am committed to. I think we can talk more about specific provisions and ideas we have deployed over the last several years.

Senator Fischer. Thank you, sir. I look forward to continuing to work with you on these very important issues.

Mr. Nadeau. Thank you for your support, Senator.

Senator Inhofe. Thank you, Senator Fischer. Senator Markey?

Senator Markey. Thank you, Mr. Chairman.

I do not have any questions. These are two outstanding candidates and I think they are going to serve our Country extremely well.

I thank you for conducting this hearing.

Senator Inhofe. Thank you, Senator Markey. Thank you also for that excellent introduction.

Senator Boozman?

Senator Boozman. Thank you, Mr. Chairman.

Thank you all for being with us.

Mr. Nadeau, Scott Bennett sends his regards, our highway commissioner, who very much enjoys working with you. I think your son should be very pleased to recognize the fact that you have a very good reputation in your chosen field.

I would like to mention a couple things that pertain to Arkansas. First, our Arkansas division administrator has departed and we would like to work to expeditiously see if we can fill that as soon as possible. I know you will give us someone who is very well qualified and will do a great job, as always.

Second, you will receive a letter concerning the I-55 closure of the old bridge. That might not be something on your screen right now but it pertains to a nine-month closure the people of Arkansas are feeling might be very difficult. Just

look for that.

The only other thing I would ask about is the TIGER grants, one of the things I would like for you to perhaps look into. In many federal situations where you do not get a grant, there is feedback as to why you did not get it. That helps the person applying to look at the criteria and see how they can meet that and do a better job.

Again, I would ask that you look at that to see if perhaps you could help in that regard.

Mr. Nadeau. I would be happy to follow up on all of those suggestions. You are right, Sandy was one of the best division administrators we had. She was promoted and we committed to Scott personally that we will find someone of equal capability.

Senator Boozman. Good. We are looking forward to that.

Dr. Kulinowski, thank you for your willingness to serve. At some point, I would love to visit with you about nanotechnology and how the periodic table does not work, those very small extremes, the potential there and the challenges.

Again, thank you very much for being here.

Thank you, Mr. Chairman.

Senator Inhofe. Thank you, Senator Boozman. Senator Gillibrand?

Senator Gillibrand. Thank you, Mr. Chairman.

Thank you, witnesses, for being here today.

Mr. Nadeau, I agree with you that Congress needs to pass a long-term reauthorization bill that is adequately funded and allows for State and local governments to plan for the future and obviously put people back to work.

This is essential for our economy, for highway safety and efficiency. I hope we will be able to come to an agreement soon or provide long term funding certainty for our constituents.

I have three questions. I appreciate the focus you placed in your testimony today on improving safety for all road users. New York, as you know, has some of the busiest and most dangerous streets in the Country. Pedestrian safety is an issue that weighs heavily on my mind. The most recent statistics from the New York State Department of Motor Vehicles finds there were 16,000 crashes involving pedestrians and motor vehicles in 2013, 343 of which were fatal.

If confirmed, how do you plan to address pedestrian safety as well as safety for bicycles and all other road users? Will you work to assure that we are taking pedestrians into account during the transportation planning process?

Mr. Nadeau. Bike safety is one of Secretary Foxx's top safety priorities. Federal Highway has been recruited by the Secretary to contribute in a number of ways to an overall department effort to support and assist State and local agencies in effectuating a number of strategies.

We have produced bike-ped assessment guides, we provide direct training to agencies on how to implement those. We have conducted research and are conducting ongoing research to improve design features and are working with agencies on how to implement those. Bike-ped accommodation has become widespread. Bicycling has grown in popularity. Many communities are interested in developing infrastructure that can safely accommodate it as part of their community.

We are also working with States to ensure that design professionals are incorporating the flexibilities they have under current guidelines to utilize many of the design strategies that have been developed after years of research and practice. It is something that Federal Highway is very committed to, is extremely involved in and is working with the Secretary and the Mayors challenge to work with cities to institute new and exciting opportunities to accommodate it safely.

As we deal with highway infrastructure development and rehabilitation to deal with increasing demands on the system, we need to be cognizant of the impact on communities and design our solutions to accommodate quality of life as well. We are very involved and engaged and committed.

Senator Gillibrand. My second issue is, as you aware, on February 3, there was a tragic crash between Metro-North

commuter rail and a vehicle at the highway rail grade crossing which resulted in multiple deaths and injuries. Additionally, there has been heightened concern about the safety of highway rail grade crossings given the increased shipments of crude oil by rail through New York communities.

What is FHWA doing to address the safety concerns at highway rail crossings? Will you work with States and localities to improve them?

Mr. Nadeau. Through our Section 130 Program, about \$220 million a year is devoted to investment in rail grade crossings and working with States on an ongoing basis to incorporate it into their highway and safety improvement planning process.

Acting Administrator Sarah Feinberg of FRA and I have spoken often. We have jointly written to the States to offer our support and assistance in expanding possible remedies beyond Section 130.

A big part of our emphasis is helping travelers understand the dangers. Obviously our hearts go out to the families and friends of those affected certainly in New York and across the Country. We have to be vigilant in supporting our States and local partners.

Senator Gillibrand. Thank you.

My last issue is, I sit on the Agriculture Committee. We have had a real challenge with pollinators, particularly bees

with Colony Collapse Disorder. There is a simple solution that relates to you for which I would like your support.

I offered an amendment that passed called the DRIVE Act which uses highway rights-of-way to address the pollinator crisis by encouraging the DOT to plant native vegetation along the highways, not grass every week but to actually let plants and flowers thrive. It is a win-win because it costs less to maintain and helps our pollinators. Will you work with me on that issue?

Mr. Nadeau. I would absolutely commit to doing that. It is a White House priority, a very serious issue and I think we can be very effective in helping to support your efforts.

Senator Gillibrand. Thank you.

Senator Inhofe. Thank you, Senator Gillibrand. Senator Capito?

Senator Capito. Thank you, Mr. Chairman.

Thank both of you for being here. I am sorry I missed your testimony but I have a good idea of what you said and the great talents that you bring to these positions.

I want to start with Dr. Kulinowski. We have a vibrant chemical industry in West Virginia, particularly where I live in the Canaan Valley. We have major companies and a great history with the companies in conjunction with our communities as well.

We have accidents which, unfortunately, are part of what

happens. Recently, we had one several years ago at a bare site that resulted in fatalities. The Chemical Safety Board came in and worked with the community to try to reassure them and to help with the reassure along with the companies and other local responders, that there were some problems with the response and to make sure they were living in a safe community.

I would like to know where you feel your responsibility is in working with local responders and companies in the various communities around the Country. They are all different. Some are more congested than others and others have better exits and all those kinds of things.

How do you formulate that with the local responders, the county commissions and so forth?

Ms. Kulinowski. When I was director of the International Council on Nanotechnology, I specialized in bringing together groups of people and communicating complex technical issues to them in a way that was easily understood.

I have a lot of experience with stakeholder engagement. That is an aspect of being a member of the Chemical Safety Board about which I am particularly excited in the array of responsibilities that I will have if confirmed.

It would be my perspective that members of the Board should be present in the community, should make themselves available to members of the community, and should be helping the community

members understand what the CSB is doing along various points in the investigation, but also to listen to them to understand their concerns and to learn from them.

We are not familiar with the community and we are not familiar with the particulars of these various sites as you mentioned which are diverse in different communities. It is a two-way communication between the Board and the members of the community.

I am fully committed to actively participating in that stakeholder engagement if confirmed.

Senator Capito. I think that would be very wise. I notice that Vanessa Sutherland, who was under consideration as well, mentioned in her testimony that she would like to see expanded participation by the Chemical Safety Board in the local communities.

I am going to shift over to Mr. Nadeau. Thank you for coming to see me.

I wanted to ask you a question, and I am sure it is the same in other States. In West Virginia, we have 960 bridges that structurally deficient or graded as such. Can you elaborate on the accelerated bridge construction process and how you think that might help States such as ours?

Mr. Nadeau. Thank you very much for your time, Senator, and for the question.

The accelerated bridge construction is really becoming a discipline and by every day accounts of round one, it was really very much a staple in our area of focus. There are a number of bridge technologies that have been utilized by the States and their use has been expanded as States utilize certain practices.

An example is slide-in bridge technology where you literally are building a bridge to the side over a period of months and then moving it in over a weekend. That type of practice is growing in popularity because in certain circumstances where you have heavy volumes of traffic, it minimizes the impact on commerce and the obvious impact on communities.

Senator Capito. Let me ask you quickly because I am going to run out of time. The number of bridges is 960, a large number for a small State. We have a lot of hills and valleys as we know.

Would you say this is the status of most of a lot of the bridges around the Country in all the various other States? Is everyone having the same problem?

Mr. Nadeau. The percentage of bridges that are structurally deficient is unacceptable. At the current rate of investment, it will take 26 years to address the inventory of bridges rated as structurally deficient today. Obviously, over that 26 years, bridges that are currently not at that level will

degrade.

It goes back to the conversation we had earlier with the Chairman. A higher level of investment is needed in order to reverse that trend. It is not unique to West Virginia. All States, I think, are facing similar challenges.

Senator Capito. Thank you both.

Thank you, Mr. Chairman.

Senator Inhofe. Thank you, Senator Capito.

When you talk about how many years it would be, how many years would it be if we are unable to get a long term reauthorization bill now? It would extend it, right?

Mr. Nadeau. To put it simply, sir, it would not help. Again, we fail to meet the level of investments that are required today in infrastructure that is at a certain state, remaining infrastructure will degrade. It is sort of a vicious cycle. The average age of bridges in this Country is 42 years old and aging rapidly.

Senator Inhofe. In our State, that is the case.

I thank both of you not just for your attendance this morning but also for your willingness to extend your public service. We are adjourned.

[Whereupon, at 10:26 a.m., the committee was adjourned.]