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U.S. Senate Date: Tuesday, September 18, 2018

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

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BUSINESS MEETING

Tuesday, September 18, 2018

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:00 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Fischer, Moran, Rounds, Ernst, Sullivan, Shelby, Cardin, Whitehouse, Merkley, Gillibrand, Booker, and Van Hollen.

STATEMENT OF THE HONORABLE JOHN BARRASSO, A UNITED STATES  
SENATOR FROM THE STATE OF WYOMING

Senator Barrasso. Good morning. I call this business meeting to order.

Today we are going to consider six bills, four GSA resolutions and one nomination.

Senator Carper and I have agreed that we will begin voting at 10:15. At that time, I will call up the items on the agenda, including amendments for votes. We will not debate the items on the agenda while we are voting. Instead, we will debate the items on the agenda before we begin voting at 10:15.

I will also be very happy to recognize any member who still wishes to speak after the voting concludes.

The items on today's agenda include S. 1857, a bill to delay new source performance standards for wood and hydraulic heaters; S. 2461, Blocking Regulatory Interference from Closing Kilns Act of 2018; S. 2827, a bill to amend the Morris K. Udall and Steward L. Udall Foundation Act; S. 1934, Alaska Remote Generator Reliability and Protection Act; S. 593, Target Practice and Marksmanship Training Support Act; S. 1537, Migratory Birds of the Americas Conservation Act; then, as well, Presidential Nomination 2347, which is Harold B. Parker of New Hampshire to be Federal Cochairperson of the Northern Border

Regional Commission, and four General Service Administration resolutions.

Now, it appears several members are present and would like to speak. In order to maximize everyone's time to debate the items on the agenda, I am going to defer any additional opening statements until other members have had the opportunity to speak. Members speak up until 10:15.

I will submit my opening statements for the record.

Senator Carper.

[The prepared statement of Senator Barrasso follows:]

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES  
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Thanks. I have some comments I would like to give on my Amendment No. 1, which addresses S. 1857, Senator Capitol's bill. Shelley and I were talking a little bit yesterday and she indicated her staff hadn't received our amendment until a couple days ago, which I was just unhappy about. As it turns out, I talked with them and they said, let's go back and look. Apparently, they said they met with your staff on July 25th, presented what we wanted to do on the 26th, and the actual language that came out tweaked it a little bit, but not too much. But the sum and substance of it was presented a couple months ago, which makes me feel better, because I don't like to give somebody something at the last minute. I just wanted to mention that.

I still remember my staff preparing me for last year's November legislative hearing on S. 1857. They told me there are over 11 million homes using residential wood heaters today, most of which are inefficient and without proper emission control technology. Older wood heaters are inefficient, produce a deadly mix of particulate matter known as PM, volatile organic compounds, and air toxics.

Pollution from these heaters is problematic in a number of States, including Alaska, Oregon, and Vermont, to name a few.

I also learned that sometimes it is hard for homeowners to upgrade wood heaters on their own; they often need financial incentives to do so.

Finally, I found out that the technology exists today to reduce the pollution from these wood heaters by up to 70 percent. That is seven zero percent. That is when I stopped my staff and I said to them I think we have seen this movie before and know it pretty well. Back in 2005, I remember George Voinovich, our colleague, came to me with almost the very same situation, not about wood burning stoves, but about inefficient diesel engines. In 2005, George said, we have a great idea, the Diesel Emission Reduction Act, and he asked me to be his Democratic cosponsor, which I was pleased to do.

But DERA, as you all recall, didn't roll back emission standards for diesel engines. Instead, it created a program that incentivized the use of newer diesel technology. Together with Senator Inhofe and a couple of other colleagues, we went forth to establish one of the most successful clean air programs on the books. My statement here says one that is loved. I don't know that it is loved, but it is warmly embraced by retailers, by manufacturers, by States and health groups alike.

My amendment today builds on what we know to be a successful formula. Instead of delaying standards that many in the industry are already meeting and States depend on for

healthy air, the amendment I am offering today creates a five-year, \$75 million wood heater replacement program mirrored after our successful DERA program.

What I am calling the Wood Heater Emission Reduction Act, or WHERA, allows States, it allows Tribes, it allows territories, and regional and local air agencies to apply for EPA funding to create residential wood heater programs that work for their State. Because rural areas and tribal areas have a disproportionate need, we require at least 4 percent of WHERA to go toward Tribes and require EPA to ensure that rural areas are represented in funding allocations.

The amendment doesn't stop there, though. We heard during our hearing in November that retailers needed a little more time to get the older products off their shelves. Giving retailers some extra time is also beneficial to manufacturers. So, my amendment today gives retailers an extra year to sell these so-called Step 1 residential wood heaters. Thus, it moves the deadline from May 20th, 2020 to May 20th, 2021, which is almost three years from now.

This amendment also gives wood heater manufacturers some flexibility in the testing program.

Finally, my amendment codifies the manufacturers' Step 2 emission standards, keeping public health gains and giving

States and manufacturers something they like, and that is certainty.

As we saw with DERA, delaying emission standards is not a recipe for success, so let's adopt a formula that we know works for public health, for States, for American jobs.

Mr. Chairman, I am going to be asking for a roll call vote on this amendment. I hope my colleagues will join me in supporting it today. Thank you so much.

[The prepared statement of Senator Carper follows:]



Senator Barrasso. Thank you, Senator Carper.

Senator Capito.

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES  
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Thank you, Mr. Chairman.

I thank the Ranking Member. Thanks for the conversation yesterday. It seems we have a little dispute on when the final language actually reached our staffs, but we can debate about that later.

Senator Carper. I think the final language actually reached them a couple of days ago, but the sum and substance I think actually did come in July.

Senator Capito. Right. Concepts were there. Like I said, we can get into that off the dais.

I just want to urge support for S. 1857 to provide regulatory relief to the wood and pellet stove heater and forced air furnace industry. This is a bipartisan bill that was introduced with Senators McCaskill, Shelby, and Manchin. It is very simple; it extends that deadline from 2020 to 2023. That extension is vital to the industry to be able to develop, engineer, test, manufacture, and distribute models that are compliant with Step 2 standards. It also provides that certainty to retailers that they can sell existing inventories through 2023 and to consumers.

The industry has already met the Step 1 standards, which, according to the Obama's EPA figures, achieved the vast

majority, an estimated 90 percent or more, of the emissions reductions anticipated as part of the two-step regulation. Step 1 reduced emissions by 70 to 90 percent compared to the baseline. With Step 2, we are subject to the law of diminishing returns, with each reduction becoming costlier and more technologically difficult to achieve.

With that said, the bill would only delay, not modify, would only delay the strict Step 2 standards to ensure they can be plausibly met on time.

Members of this Committee have heard compelling testimony and received letters from industry that there is simply not enough time to fully engineer and certify. The certification part is very difficult in terms of certifying new products by the 2020 deadline. A three-year delay would help alleviate log jams at the labs doing their certification and the EPA itself to ensure that the new models actually do meet the standards.

The Clean Air and Nuclear Safety Subcommittee, which I chair, heard testimony last November. It is September. Last November we had a legislative hearing to the effect that some manufacturers may only have one-third of their product lines in limited quantities available for sale to comply with 2020.

At the time of our hearing, of the 540 wood and pellet stove models that are compliant under Step 1, only 26 of those would meet the standard under Step 2. Retailers will be making

their orders well ahead of the effective due date and will have to deal with the regulatory uncertainty of what will be available, as well as what will become of existing inventory that may become obsolete and unsellable.

The purchase of these appliances is seasonal, so units may be in the retailers' inventory for years. The outcome may be that of the 11.5 million homes using wood heaters as primary or secondary heating sources will continue to operate their older appliances, which is what we don't want, many of them not even compliant with Step 1, for additional years while supplies increase and prices come down on Step 2-compliant units.

We have already seen the rise in prices. A retailer in Prichard, West Virginia had to double prices, from \$1,000 to \$2,000, for products compliant with Step 1 compared to previous revisions. In 2015, this retailer sold 42 warm air furnaces. In 2016, Step 1-induced price increase, he sold 11. By late 2017, only 8. Which means people are not changing out their existing units. That means that, and they are not buying the new units. The impact for jobs and consumers is clear.

So, I would urge my colleagues to vote yes on S. 1857.

If the Chairman would allow, we still have a few minutes, to talk about the amendment.

Senator Barrasso. Please. I know Senator Wicker wants to speak, as does Senator Whitehouse. Senator Whitehouse is first recognized, but go ahead.

Senator Capito. I will go very quickly here on the Carper amendment that Senator Carper spoke about.

We talked about the merits of it yesterday. Hopefully, we can arrive at some kind of compromise, but I don't think it is meeting the standards of regular order, so I urge its defeat.

It would establish the \$75 million new regulatory program with no budget offset and has not been completely vetted by members of this Committee. It would provide funding for buy-backs, as the Senator said.

While it is well intentioned, it does not address the broader issue associated with Step 2 and, instead, formalizes them into law. It does not address the fact that there will not be enough models approved, much less as an affordable cost, to meet consumers' needs.

A lot of the consumers that use it for their primary source are on the lower end of the economic scale, and that is a source of concern for me being from the State of West Virginia.

So, I am opposing his amendment. I have other issues I could add here, but in the interest of the Committee I will cut that short and say that I hope we can work together, Senator

Carper, to try to find a compromise here, but, in the short-term I would urge defeat of the Carper amendment.

Thank you.

[The prepared statement of Senator Capito follows:]

Senator Barrasso. Thank you, Senator Capito. I also will be opposing the Carper amendment and supporting your bill.

Senator Whitehouse.

STATEMENT OF THE HONORABLE SHELDON WHITEHOUSE, A UNITED STATES  
SENATOR FROM THE STATE OF RHODE ISLAND

Senator Whitehouse. Thank you, Chairman.

Mr. Chairman, the Associate Administrator for the Office of Air and Radiation at the Environmental Protection Agency, as we know, is a gentleman named Bill Wehrum. He was confirmed by the United States Senate on November 9th, 2017. He promised to document his compliance with his EPA ethics agreement within 90 days of his confirmation. That 90 days ran on February 14th, 2018.

Since that date, I have been trying to get his ethics statement, without success, in letter after letter, so I filed Whitehouse 1 as an amendment to S. 2461 to require recusal of this individual in matters where there would be the appearance of a conflict or undermining of public confidence in the EPA and requiring, as a matter of law, to provide a copy of his recusal letter to the Committee.

Well, lordy be, as of now, we have his recusal letter. It was not signed on February 14th, 2018; it was signed yesterday. So, we at least have it. Further inquiry to follow as to what the hell happened between February 14th, 2018 and September 17th, 2018, during which this individual, who is a walking conflict of interest, appeared to be operating under no conflict of interest or recusal statement.



On the basis of that, I would first ask unanimous consent to put his recusal statement into the record.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Whitehouse. And, second, ask consent to withdraw my amendment.

Senator Barrasso. Without objection.

[The prepared statement of Senator Whitehouse follows:]

Senator Barrasso. Thank you, Senator Whitehouse.

Senator Wicker.

Senator Wicker. Well, I appreciate Senator Whitehouse withdrawing his amendment. That will simply give us an opportunity to vote yes or no on the underlying bill, which is a good bill, and it provides legislative and regulatory relief for the over 7,700 people who work in brick manufacturing plants and the almost 90,000 Americans who are employed by the larger brick industry, not to mention all of the millions of construction jobs with brick-based elements.

So, I am glad to see the amendment has been withdrawn and I urge my colleagues to vote yes for the underlying bill, which is bipartisan, having sponsors such as Inhofe and Capito from this Committee and Donnelly, Heitkamp and Manchin who are not on this Committee.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Wicker.

Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman.

I want to also thank Senator Whitehouse for withdrawing his amendment, but also for his dogged determination to get members of the Executive Branch to do what they said they were going to do. If they told us they were going to file a recusal statement and they haven't done it, then I think it is good oversight on

his part to get them to do that, so appreciate the hard work of a former attorney general.

Senator Whitehouse. Said the former attorney general.

[Laughter.]

Senator Barrasso. Senator Cardin, I know you also have a bill, the Migratory Birds of the Americas Conservation Act. Anything you would like to add at this point?

STATEMENT OF THE HONORABLE BENJAMIN L. CARDIN, A UNITED STATES  
SENATOR FROM THE STATE OF MARYLAND

Senator Cardin. Just thank the Chairman and Ranking Member for including this on the markup today. It is a very important bill that deals with our international efforts, the U.S. participating in neotropical birds.

You have all heard me talk about this before. About 200 species are involved in the protection of habitat in our region to make sure that we, with other countries, do what is necessary and reasonable to protect their habitat. One of those neotropical birds is the Baltimore oriole. For those of you who are following the baseball season, you know we need to pass this immediately.

[Laughter.]

[The prepared statement of Senator Cardin follows:]

Senator Barrasso. We are waiting for one more member of the Committee to arrive.

Senator Carper. Mr. Chairman?

Senator Barrasso. Yes, Senator Carper.

Senator Carper. Could I just have one last quick thing? Somebody asked me from the press yesterday, he said, why do you care about this wood burning stove legislation?

I will just say this, in Delaware alone we have a number of wood heaters, and you have them in your States, too. We are not the leader by any stretch of the imagination, but wood heaters in my State are the second largest source of particulate matter pollution, second largest source of particulate matter pollution. If you add together all the PM that we get from on-highway vehicles, electric utilities, petroleum industry combined, the particulate matter that comes from wood burning stoves in my State is more than all those three combined. All those three combined.

Senator Barrasso. Thank you, Senator Carper.

We are waiting for one more member to arrive. I understand he is on the way.

Senator Inhofe. He is on the 14th Street Bridge.

[Laughter.]

Senator Carper. The Ranking Member and I have agreed to bring up two bills for separate votes. The Ranking Member has

requested that each of these two receive a roll call vote. The Ranking Member and I have agreed to vote on the remaining four bills, the nomination and the GSA resolutions en bloc by voice vote. Members may choose to have their votes recorded after the voice vote.

So, I would like to bring up for call the en bloc passage of the items, the Barrasso substitute amendment to S. 2827, a bill to amend the Morris K. Udall and Steward L. Udall Foundation Act; the Sullivan-Carper substitute amendment to S. 1934, Alaska Remote Generator Reliability and Protection Act; S. 593, Target Practice and Marksmanship Training Support Act; S. 1537, Migratory Birds of the Americas Conservation Act; Presidential Nomination 2347, Harold B. Parker of New Hampshire to be Federal Cochairperson of the Northern Border Regional Commission; and four General Service Administration resolutions en bloc.

I move to approve the Barrasso substitute amendment to S. 2827 and report S. 2827 as amended; approve the Sullivan-Carper substitute amendment to S. 1934 and report S. 1934 as amended; approve and report S. 593 and S. 1537 and Presidential Nomination 2347; and approve four GSA resolutions en bloc. Is there a second?

Senator Carper. Second.

Senator Barrasso. All those in favor say aye.

[Chorus of ayes.]

Senator Barrasso. Opposed, nay.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it. We have approved S. 2827, as amended; S. 1934, as amended; S. 593; S. 1537; and Presidential Nomination 2347, which will be reported favorably to the Senate. We have also approved four GSA resolutions.

Now I would like to call up S. 1857, a bill to delay new source performance standards for wood and hydraulic heaters that was circulated last Friday. Senator Carper has filed an amendment to S. 1857.

You are going to offer your amendment and then we will have a roll call.

Senator Carper. I offer the amendment. We have discussed it and I would ask for a yes vote. Thanks so much.

Senator Barrasso. Members have already had an opportunity to speak on Carper No. 1 this morning. Additional members may speak, if they would like, after voting concludes.

Move to vote on the amendment. Is there a second?

Senator Carper. Second.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Mr. Booker?

Senator Booker. No. Oh, yes.



Senator Carper. Thank you.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Mrs. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Carper?

Senator Carper. Aye.

The Clerk. Mrs. Duckworth?

Senator Carper. Aye by proxy.

The Clerk. Mrs. Ernst?

Senator Ernst. No.

The Clerk. Mrs. Fischer?

Senator Fischer. No.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. Aye.

The Clerk. Mr. Inhofe?

Senator Inhofe. No.

The Clerk. Mr. Markey?

Senator Carper. Aye by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Moran?

Senator Moran. No.

The Clerk. Mr. Rounds?

Senator Rounds. No.

The Clerk. Mr. Sanders?

Senator Carper. Aye by proxy.

The Clerk. Mr. Shelby?

Senator Shelby. No.

The Clerk. Mr. Sullivan?

Senator Sullivan. No.

The Clerk. Mr. Van Hollen?

Senator Van Hollen. Aye.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Wicker. No.

The Clerk. Mr. Chairman?

Senator Barrasso. No.

The Clerk will report.

The Clerk. Mr. Chairman, the nays are 11; the yeas are 10.

Senator Barrasso. The yeas are 10; nays are 11. Carper  
No. 1 is not agreed to.

Now move to approve and report S. 1857 favorably to the  
Senate. Is there a second?

Senator Inhofe. Second.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Mr. Booker?

Senator Booker. No.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mrs. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Cardin. No.

The Clerk. Mr. Carper?

Senator Carper. No.

The Clerk. Mrs. Duckworth?

Senator Carper. No by proxy.

The Clerk. Mrs. Ernst?

Senator Ernst. Yes.

The Clerk. Mrs. Fischer?

Senator Fischer. Aye.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey?

Senator Carper. No by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Moran?

Senator Moran. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Carper. No by proxy.

The Clerk. Mr. Shelby?

Senator Shelby. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Van Hollen?

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. No.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye.

The Clerk will report.

The Clerk. Mr. Chairman, the yeas are 10; the nays are 11.

Senator Barrasso. This does pass.

The ayes were 11?

The Clerk. The yeas are 11; the nays were 10.

Senator Barrasso. So, the motion, Senator Capito's bill, has passed.

Next, I would like to call up S. 2461, the Blocking Regulatory Interference from Closing Kilns Act, the BRICK Act. It was circulated last Friday. An amendment has been withdrawn.

I move to approve and report S. 2461 favorably to the Senate. Is there a second?

Senator Wicker. Second.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Mr. Booker?

Senator Booker. No.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mrs. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Cardin. No.

The Clerk. Mr. Carper?

Senator Carper. No.

The Clerk. Mrs. Duckworth?

Senator Carper. No by proxy.

The Clerk. Mrs. Ernst?

Senator Ernst. Aye.

The Clerk. Mrs. Fischer?

Senator Fischer. Aye.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey?

Senator Carper. No by proxy.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Moran?

Senator Moran. Aye.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Carper. No by proxy.

The Clerk. Mr. Shelby?

Senator Shelby. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Van Hollen?

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. No.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye.

The Clerk will report.

The Clerk. Mr. Chairman, the yeas are 11; the nays are 10.

Senator Barrasso. The yeas are 11; the nays are 10. We have approved S. 2461, which will be reported favorably to the Senate.

The voting part of this business meeting is finished. I would be happy to recognize any members who wish to make a statement on the legislation, the nomination, or the resolutions that we have just approved.

Would any member like to be recognized? If not -- yes, sir, Senator Carper.

Senator Carper. Mr. Chairman, I want to take just a couple minutes, now that we have marked up today, to discuss some of the things that my Democratic colleagues and I sought to amend. As someone who always tries to look for the positive, we have a lot here that we have agreed on, and I am happy about that.

I was happy to see that we could come to a compromise on Senator Sullivan's Alaska diesel bill. I think we addressed a real tactical issue for remote areas of Alaska, while also trying to find ways we can better improve energy reliability and air quality for those areas. I thank Senator Sullivan and want

to thank the Chairman and their staffs for working with our staff on this issue. I think it is a good compromise.

Additionally, I have advanced legislation to reauthorize the Neotropical Migratory Bird Conservation Act today, and I want to thank Senator Cardin for his leadership on this issue. I feel bad about the Orioles but good about his legislation. Neotropical migratory birds are special to both of our States; in fact, to many States. People travel to the First State of Delaware to observe the red knots, which benefit from the Neotropical Migratory Bird Conservation Act.

Further, we have considered Senator Capito's Target Practice and Marksmanship Training Support Act. This legislation enjoys bipartisan support. It is endorsed by the sportsman community as well.

I am also pleased that we were able to add the Udall Foundation reauthorization bill to our agenda today. It was last updated in 2004, but this reauthorization provides needed updates to the Foundation. One of the changes included in the substitute amendment would be to rename the U.S. Institute for Environmental Conflict Resolution in honor of our friend, the late Senator John McCain, which I believe is a great tribute. On behalf of all of our colleagues, I thank the Chairman for including this provision.



We also considered today the nomination of Harold Parker to be the Federal Cochair of the Northern Border Regional Commission. We heard from the nominee at a Transportation and Infrastructure Subcommittee hearing two weeks ago. I am pleased to support his nomination.

I mentioned this before, but it bears worth repeating. Old, inefficient residential wood heaters produce the heat that a lot of families need, but they also produce a deadly mix of air pollution that can trigger asthma attacks, cause lung damage, and create real problems for air quality. I mentioned this before.

I was stunned when I saw this. In Delaware alone, residential wood heaters are the second largest source of particulate matter pollution, second largest source, contributing more than on-highway vehicles plus electric utilities and petroleum industries combined. Think about that. Think about that.

A three-year delay in the standards that manufacturers are already meeting today just doesn't make sense to me, and I think we can do better. I presented another option in Carper Amendment No. 1. Without these changes, I could not support Senator Capito's bill.

Second, we have Senator Wicker's bill, the BRICK Act, S. 2461. This legislation delays air toxic Clean Air Act standards

for the brick industry by two years. These are standards that should have been in place almost two decades ago, and EPA has already stated they are going to give the industry an extra year to comply. I have concerns about the public health implications of delaying standards even further, which is why I voted no on that bill.

But, Mr. Chairman, as you know, I am always pleased to work together with you and our colleagues whenever we can do so. As a result, we have made progress on a number of different fronts today. My thanks to everyone, our members and staffs alike, whose efforts helped make all that progress possible.

On the other issues on which we disagree, we live to fight another day, or maybe to find consensus. We will see.

Senator Barrasso. Thank you, Senator Carper.

I do ask unanimous consent that the staff have authority to make technical and conforming changes to each of the matters approved today.

Senator Rounds.

STATEMENT OF THE HONORABLE MIKE ROUNDS, A UNITED STATES SENATOR  
FROM THE STATE OF SOUTH DAKOTA

Senator Rounds. Thank you, Mr. Chairman.

Mr. Chairman, we have a pending nominee, Mr. Peter Wright, for Assistant Administrator of the EPA's Office of Land and Emergency Management. As you know, I chair the Environment and Public Works Subcommittee on Superfund, Waste Management and Regulatory Oversight.

In December of 2017, we held a hearing on the challenges facing Superfund sites following natural disasters such as hurricanes. One of those challenges should not be a lack of personnel on hand to mitigate environmental damage. Yet, even as we deal with the aftermath of Hurricane Florence, the Assistant Administrator of the EPA's Office of Land and Emergency Management, Peter Wright, has yet to be confirmed by the Senate.

Now, I understand that by my request I am not asking that we swiftly confirm him, but I would ask that we perhaps take up this matter in a more expeditious manner and confirm Mr. Wright so that our Federal Government can more effectively deal with the environmental impacts of natural disasters.

[The prepared statement of Senator Rounds follows:]

Senator Barrasso. Thank you, Senator Rounds. I would like to agree. When you take a look at North Carolina, South Carolina, the catastrophic flooding over the last several days, Hurricane Florence has taken a tremendous toll in terms of human lives, as well as billions of dollars in damage.

In the midst of this suffering, the EPA has been without this Assistant Administrator for Land and Emergency Management, the subcommittee which you chair. This is the official who is in charge of EPA's response to inland oil spills, chemical, biological, radiological releases, national emergencies, including hurricanes.

The President nominated Peter Wright March 6th of this year, so it has been 195 days. He was cleared from this Committee, certainly, but the Senate Democrats have blocked the nomination. In fact, he has had to wait longer than any of his predecessors in the last 20 years.

So, I agree it is time for the Democrats in the Senate to move and stop the blockage so we can get confirmation of Mr. Wright as soon as possible.

If there are no other Senators who wish to speak?

Senator Carper. I have a couple of unanimous consent requests, Mr. Chairman.

Senator Barrasso. Senator Carper.

Senator Carper. I want to ask unanimous consent to submit for the record a letter from environmental groups that are opposed to Senator Wicker's S. 2461, which would extend the compliance date for air toxic standards for the brick industry. That would be one UC request.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Carper. A second UC request, I would like to ask unanimous consent to submit for the record letters from 23 environmental health and State agency groups that are opposed to Senator Capito's wood heater legislation, S. 1857.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Carper. And one more. I ask unanimous consent to enter into the record supplemental materials regarding the legislation we have advanced today.

Senator Barrasso. Without objection.

Senator Carper. Thank you so much.

[The referenced information follows:]

Senator Barrasso. In closing, I am going to enter into the record a letter of support of S. 1857 from the Hearth and Home Technologies. By giving the industry a compliance extension, the letter says, S. 1857 would provide critical relief.

[The referenced information follows:]



Senator Barrasso. With that, our business meeting is concluded and we are adjourned.

[Whereupon, at 10:33 a.m. the committee was adjourned.]