

HEARING ON THE NOMINATIONS OF KATHLEEN HARTNETT WHITE TO BE
MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY AND ANDREW
WHEELER TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL
PROTECTION AGENCY

Wednesday, November 8, 2017

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:05 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, Rounds, Ernst, Sullivan, Cardin, Whitehouse, Merkley, Gillibrand, Booker, Markey, Duckworth, and Harris.

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

Senator Barrasso. Good morning. I call this hearing to order.

Today we will consider the nominations of Kathleen Hartnett White to be a member of the Council of Environmental Quality, the CEQ, and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency.

Before I speak about the nominees, I want to reiterate remarks that I made last week on the Senate Floor that are applicable to today's hearing. All year long, Democrats have been putting up roadblocks to President Trump's nominations. Democrats have been forcing 30 hours of debate on even some of the most bipartisan of President Trump's nominees. But then those Democrats have not been showing up to use the time for the debate, the 30 hours.

In the past, both sides would agree to waive the time requirements and to move on to other Senate business. But today many Democrats insist on cloture votes and then insist that we waste hour after hour on the Senate Floor, even when there is no one on the Floor to debate the nominees that are in front of us.

It is time to end this pointless spectacle. We have nearly 100 nominees for important jobs in the Administration on the executive calendar waiting a vote on the Senate Floor. The

Environment and Public Works Committee has reported 11 nominees to the full Senate for approval, only two of whom have received votes on the Senate Floor so far.

I am pleased that we will be able to vote on another this week, but, unfortunately, it required cloture and another 30 hours of debate time.

As of last Friday, there have been 51 cloture votes on President Trump's nominees. In comparison, the previous four administrations had only a total of seven cloture votes on their nominees at this point in their administrations. That would be Bill Clinton, Barack Obama, and both Presidents Bush.

Democrats are not using the Senate rules for Debate or deliberation, only for delay. It is therefore time to change the rules and go back to the process that Senator Schumer supported in 2013 and 2014. Today, the schedule allows us to do only one or two nominations in a typical week. If we go back to the 2014 Schumer standard, we could clear multiple nominations in a day.

Now I would like to turn to today's nominees.

President Trump has nominated Kathleen Harnett White to be a member of the CEQ. The President intends to designate her as the Chair of the CEQ upon her confirmation by the Senate. CEQ was established pursuant to the National Environmental Policy Act, the implementation of which the CEQ oversees. CEQ is

responsible for coordinating Federal environmental efforts. It develops and recommends national policies to the President that promote the improvement of environmental quality.

James Connaughton, who is the former Chair of the CEQ under President George W. Bush, said this of Ms. Hartnett White. He said, "She is clearly highly qualified, adept, and has a breadth of experience."

Ms. White currently serves as a distinguished senior fellow in residence and director of the Armstrong Center for Energy and Environment at the Texas Public Policy Foundation, which she joined in 2008. From 2001 to 2007, she served as Chairman and Commissioner of the Texas Commission on Environmental Quality.

Ms. White has also served as a leader of the Lower Colorado River Authority, the Texas Water Development Board, the Texas Economic Development Commission, the Environmental Flow Study Commission, the Texas Emissions Reduction Advisory Board, the Texas Water Foundation, the National Cattlemen's Association, and the Texas Wildlife Association.

I look forward to hearing from Ms. White how she will bring her breadth of experience to bear on CEQ.

President Trump also nominated Andrew Wheeler to be Deputy Administrator of the EPA. The Deputy Administrator plays a central role in developing and implementing programs and activities focused on fulfilling the EPA's mission of protecting

human health and the environment. The Deputy Administrator oversees Agency-wide initiatives and coordinates important issues with EPA's regional and program offices.

I was heartened by the Ranking Member's positive comments about Mr. Wheeler and his dedication to the EPA's mission. Our Ranking Member has previously stated, "The fact that we have worked with him, we know him, he used to work with George Voinovich, who is one of my closest friends and allies on the environment, is certainly helpful." He went on to say, "And I think, having worked in the Agency, he actually cares about the environment, the air we breathe, the water we drink, and the planet on which we live."

Mr. Wheeler has spent over 25 years working in the environmental field, first as a career employee with the title of Environmental Protection Specialist at EPA for four years, then as the EPW's Clean Air Subcommittee Staff Director for six years; next as the EPW's Republican Staff Director and Chief Counsel for six years; and, finally, as a consultant and lobbyist for a large variety of energy and environmental clients for the last eight years.

We know how well qualified Mr. Wheeler is and, if confirmed, what a wealth of experience and expertise he will bring to a critically important role in protecting America's public health and safety.

As I turn to Senator Carper, I would also add, like your two sons, Andrew is also an Eagle Scout.

I would like to also now turn to the Ranking Member for his statement.

[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. Thank you. Thank you, Mr. Chairman. We are grateful for this hearing and for our nominees that will be appearing before us today.

John Barrasso and I are friends. I consider everybody on this Committee a friend. And I wasn't going to mention this, but I have to say this. We have an Administration, Mr. Chairman, that has basically said to heads of various agencies they don't have to respond to oversight inquiries from anybody except the chairman of a committee. And you know and I know that usually the party that is not in the White House tends to be more rigorous in exercising oversight over the Administration. That is the way it has always worked, whether you have a Democrat or Republican President.

We have asked, on our side of the aisle, some 30 letters to EPA asking for response. We think we are exercising our oversight responsibilities. We have heard now on about 10 of them. And, if you are playing baseball, you are batting 333. In baseball, that is pretty good, but it is not pretty good here in the United States Senate.

We can do better here. And as my colleagues know, when we had a Democratic administration and my colleagues said they weren't getting the responses they needed, I would literally

call the heads of the agencies and say, for God's sake, respond to Senator whoever it is. For God's sake, respond. And that is kind of like regular order, and we need to get back to that. We get good responses on our letters, and we can move people. We move people a lot faster, and I want to. I want to do that.

I come from a background that, as governor, folks I nominate, I expect them to be confirmed. Get a hearing, be confirmed. Eight years as governor of Delaware, and we had a Republican House, Democratic Senate, not one was ever turned down to lead an administration, to lead a department, to lead an agency, to serve as a judge. Not one was turned down. And I think part of it was the way we treated and responded to legislators for their lawful responsibilities, obligation to do oversight. And we are not getting that right now.

I had not planned to say that, but I felt compelled to do that, especially the part that I regard you as my friend.

Before I turn to the nominations, I want to say I look forward to the day when Scott Pruitt, the head of the EPA, comes and testifies before us again. And my hope is that that day will come soon.

Turning to today's hearing, we have two nominees before us who have been nominated to serve in very important capacities, very important capacities. The Council on Environmental Quality is led by the White House's top environmental official. CEQ has

historically played a vital role in coordinating the efforts of all Federal agencies on cost-cutting and important environmental issues. For example, CEQ co-chaired President Obama's Climate Adaptation Task Force to help communities strengthen their resilience to extreme weather and prepare for other impacts of climate change.

CEQ leads the Office of Federal Sustainability, which develops policies to modernize Federal property and save money through increased energy efficiency and other purchasing requirements. CEQ also plays a key role in identifying ways to make sure Federal agencies work together well and in a coordinated fashion. And CEQ helped to get the almost unanimously enacted Toxic Substance Control Act, which a bunch of us worked on, over the finish line by coordinating with a wide range of stakeholders during negotiations between the House and the Senate and those stakeholders and the Administration.

The nominee to carry on this important work must be someone who can build alliances, someone who can work with Congress and be a credible leader. Unfortunately, in my view, the nominee before us today, Kathleen Harnett White, does not, in my opinion, meet this standard.

In her years serving the Texas Commission on Environmental Quality and thereafter, Ms. White has shown a disdain for science, a disregard for laws and regulations already on the

books, and a staggering disrespect for people who have views with which she disagrees.

Ms. White, who has been asked to hold the top environmental position in the White House, has shown that she is not only a science denier, but actively promotes misinformation on climate, on ozone, on mercury, particulate matter, and other known health hazards that impact our air and our waterways. From describing the Renewable Fuel Standard as unethical, to comparing people who believe in climate programs to pagans, to saying that environmentalism will lead to mass starvation or other large-scale calamities, her tone, her words, and her actions are simply unacceptable.

Our second nominee, Andrew Wheeler, once occupied a seat on this side of the dais, as the Chairman has said. He is no stranger to the Environmental and Public Works Committee. As a long-time staff member for the senior Senator from Oklahoma, Mr. Wheeler was someone with whom we didn't always agree on each and every policy, but he did prove to be one with whom we were always able to work together on policies that we did agree on.

Given the polarizing nature of Scott Pruitt's EPA, as well as the polarizing nature of one of Mr. Wheeler's long-time clients, Bob Murray, of Murray Energy, I am anxious to hear from Mr. Wheeler about whether he can assure members of this Committee that his confirmation to be Deputy Administrator of

the EPA would not be more of the same approach at the Agency.

I would like to know if Mr. Wheeler can leave his clients and his conflicts of interest behind him and start over with the interests of the Country as his number one priority. I also want to understand whether, unlike Ms. White, Andy Wheeler can embrace and acknowledge accepted environmental and public health science.

So thanks, Mr. Chairman. We look forward to hearing from all of our witnesses, and especially welcome as a Buckeye our lead-off witness. Thank you for joining us today.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Well, thank you very much, Senator Carper.

I would point out that, according to the EPA, to date, the Agency has delivered over 4,300 pages of documents to the Minority, including civil and criminal enforcement summaries, travel records, communications relating to the Clean Power Plan Executive Order, communications relating to the oil and gas industry, information collection requests, and then ethics documents as well, including recusal forms, training records, and ethics pledges.

I do agree that the Administration needs to be responsive to members from both sides of the aisle. I would point out that as an early member of this Committee a number of years ago, under Chairman Boxer, I was the Ranking Member of something called the Oversight Committee and I had a number of things that I wanted to look into in terms of oversight, and the chairman at that time told me the only oversight that was going to be done under her committee at that time was over what she described as abuses of the Bush Administration, nothing of that was happening during that current Obama Administration.

Senator Carper. Well, for good or for bad, I am not Barbara Boxer.

[Laughter.]

Senator Carper. I am Tom Carper, and I want to work

together and I want to get things done, and I want to get reasonable responses to the two-thirds of requests we have made. I just want reasonable responses, and I don't think that is too much to ask for. Thank you.

Senator Barrasso. Thank you, Senator Carper.

Senator Cornyn of Texas was scheduled to be here to introduce Ms. Hartnett White. He had a conflict that he just could not avoid, so I am going to submit his statement to the record of support for Kathleen Hartnett White into the record without objection. Hearing none, it is submitted.

Senator Carper. I object.

Senator Barrasso. Too late.

[Laughter.]

[The referenced information follows:]

Senator Barrasso. Now, I would like to welcome to the Committee Congressman Steve Stivers from the Ohio 15th District. And he would be doing us the privilege of introducing Mr. Wheeler.

Congressman Stivers, please proceed.

STATEMENT OF THE HONORABLE STEVE STIVERS, A REPRESENTATIVE IN
CONGRESS FROM THE STATE OF OHIO

Mr. Stivers. Thank you, Chairman Barrasso, Ranking Member Carper, and Senators for the honor to be with you today. It is certainly my honor to introduce my good friend, Andrew Wheeler, who is nominated to be Deputy Administrator of the Environmental Protection Agency.

Andrew comes with an unmatched amount of experience in energy and environment policy both in government and in the private sector, which will make him an excellent candidate for this role. Andrew and I met back in 1983 at Woodland Trails Boy Scout Camp, where I was Commissioner and he was the Director of Nature Conservation. He and I both went on to become Eagle Scouts, so I have great information, as you go through your due diligence for your confirmation process. He is indeed a Boy Scout.

Even back then Andrew had clear passion for the environment and understood the importance of stewardship. Andrew began his career with the EPA, serving in the Office of Pollution Prevention. He then went on to the United States Senate, starting with Senator James Inhofe, then moving to the Subcommittee for Clean Air, Wetlands, and Nuclear Safety, and later the Committee on Environment and Public Works.

In more than 10 years with these committees, he worked on

nearly every piece of major energy and environmental-related legislation that came through Congress. For example, in his time as Staff Director on this Committee, Andrew was responsible for managing Senate Floor debate and strategy for legislation on topics including regulations, offshore oil reserves, alternative fuel vehicles, biofuels, and tar sands. In his role, he also gained experience developing long-term goals and strategies, and managing a staff and budget.

Currently, Andrew is a principal at Faegre Baker Daniels Consulting and co-lead of Faegre Baker Daniels' energy and natural resources practice. In that role, he advises clients on a variety of complicated legislative, regulatory, and operational issues.

With his years of experience in the Senate and working with multiple Federal agencies, it is clear that Andrew is more than qualified for this position. Moreover, Andrew had a top tier education, earning a BA in English and Biology from Case Western Reserve University and a Juris Doctorate from Washington University School of Law, and an MBA from George Mason University School of Business.

Andrew understands the balance we need to have between environmental stewardship and responsible use of our natural resources. I have the utmost confidence in Andrew and I hope you will move forward with his confirmation as Deputy

Administrator of the United States Environmental Protection Agency. I want to thank you for your consideration, and it is certainly my honor to introduce my friend, Andrew Wheeler.

[The prepared statement of Mr. Stivers follows:]

Senator Barrasso. Thank you very much, Representative Stivers. I appreciate your being here. You are welcome to stay or leave, whichever works best for your schedule, but you can't continue to sit there.

Mr. Stivers. Thank you. I will move away.

[Laughter.]

Senator Barrasso. Thank you.

Senator Inhofe, I heard your name raised in that glowing recommendation.

Senator Inhofe. Thank you very much, Mr. Chairman. You can hear from the non-Eagle Scout group now.

I have to say there is no one in this room right now, or no one at this table, who knows Andrew Wheeler better and loves him more than I do, and I would just say that all the things that we did together, I think the Chairman did a good job talking about his background. When you stop and think about all the highway bills, all these bills, we did these together. We accomplished a lot, and a lot of that was due to Andrew Wheeler. They desperately need him over there. They are understaffed. And I just want those in this room to know that if you knew him as well as I would, we would have this over with already. Thank you.

Senator Barrasso. Thank you, Senator Inhofe.

Now I would like to welcome our nominees to the Committee

and ask that they please come forward.

Kathleen Hartnett White, who is the nominee to be a member of the Council on Environmental Quality, and Andrew Wheeler, who is the nominee to be the Deputy Administrator of the Environmental Protection Agency.

I want to remind each of you that your full written testimony will be made a part of the record. I look forward to hearing the testimony from both of you.

We will hear first from Ms. Hartnett White. Would you like to introduce any members of the family, folks who may be with you today? And after you do, we would ask that you please proceed with your testimony at your convenience.

STATEMENT OF KATHLEEN HARNETT WHITE, DIRECTOR, TEXAS PUBLIC
POLICY FOUNDATION

Ms. Hartnett White. Thank you very much, Chairman Barrasso. I would like to welcome and introduce some family members here who are with me.

Senator Barrasso. Please.

Ms. Hartnett White. My niece, Melanie. I can't find you. My niece, Melanie, and her son, Mason O'Brien. His father, Jim O'Brien, is my closest relative who could not attend today, but I would like to list them. I am proud to say his wife, Melanie, just retired from the U.S. Navy. I am very, very proud of her.

My husband, also, got incredibly sick from some mean, mean flu, so I am a little sparse on family. But I would like to raise him up. My husband is a fifth-generation cattle rancher in Presidio County in Texas, extremely remote, and he also managed to be chairman of the El Paso branch of the Dallas Federal Reserve and President of the American Hereford Association. I am very proud of him. I am very thankful for him and his patience.

Senator Barrasso. Please proceed. Welcome.

Ms. Hartnett White. I will now proceed with my personal statement.

Senator Barrasso. Please do. Welcome to the Committee and please proceed.

Ms. Hartnett White. Chairman Barrasso, Ranking Member Carper, all the members of the Committee, I am honored to appear before you today as President Trump's nominee for member and, if confirmed, Chairman of the White House Council on Environmental Quality. And I am most grateful to the President for the confidence he has placed in me.

As I just mentioned, my husband, Beau, is a fifth-generation cattle rancher. His family ranch in Presidio County is really a living example of the mission of the NEPA, of the National Environmental Policy Act, that promotes an enduring and productive harmony between humans and the natural world.

I grew up in rural Kansas, and there my late parents instilled in me a lifelong curiosity and reverence for the natural world. They also told me to wisely use the natural resources with which our Country is so blessed.

A strong economy, I believe, is what makes environmental gains possible. As Chairman of the TCEQ, my record of achieving major improvements in air quality and water quality demonstrates that economic growth can go hand in hand with remarkable environmental enhancement. And I am proud to say Texas has been a leader in that. The Texas environment is dramatically cleaner now than it was 30 or 40 years ago, while the State's economy has continued to grow.

While I was Chairman at TCEQ, Texas experienced nation-

leading growth in population, in gross State product, and in jobs, while dramatically reducing point source emissions; and my written testimony gives the percentages on all of those.

It was a big job to chair TCEQ in a big State. In particular, I had regulatory oversight over more than 350,000 public and private entities, implementing and enforcing binding regulations on air quality, water quality, water supply, and waste disposal. And, I might add, I have to submit for the record, or in whatever format you need, documents for all the enforcement actions I took while I was at TCEQ.

Senator Barrasso. They will be included. Thank you.

Ms. Hartnett White. Thank you.

Execution of environmental laws is essential, and we took a very strong perspective on that.

With the help of a dedicated staff of over 3,000, and working with officials across the State and Federal agencies, TCEQ had many successes. As an example, for years, Houston has vied with Los Angeles as the worst ozone polluter in the Country. But under the implementation plan I developed while I was Chair, Houston actually attained the then ozone standard in 2010 and 2011, far earlier than many thought possible.

The achievements in Texas in recent years I think were possible because we insisted upon robust science, coordination across the agencies, efficient permitting, and timely,

predictable outcomes. These principles are also now the keys to the President's agenda for regulatory reform and urgently needed new infrastructure.

I strongly believe that the Federal Government can and should provide a predictable, transparent, and timely process for making decisions, including for major infrastructure projects. We owe this to the American people. And I commend this Committee for recognizing these issues in two, now, law. I believe one is called the FAST Act and MAP-21, and I think that is wonderful.

This Committee has a proud history of working together to solve complex national problems with practical solutions that benefit all Americans. If confirmed, I pledge to work with this Committee and the President to continue that tradition and achieve a balanced and effective national approach to our environmental challenges.

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

[The prepared statement of Ms. White follows:]

Senator Barrasso. Well, thank you very much, Ms. Hartnett White. We appreciate your testimony and your presence here today.

Mr. Wheeler, it is now your turn. If you would like to introduce anyone and then proceed with your testimony.

STATEMENT OF ANDREW WHEELER, PRINCIPAL, FAEGRE BAKER DANIELS
CONSULTING

Mr. Wheeler. Thank you, Senator. I would like to introduce my sister, Liesel, right behind me; her husband, Tim Cooper; and my nephew and godson, Luke Cooper. And I really appreciate Luke being here today because, being here, he has broken his perfect attendance record at school.

[Laughter.]

Mr. Wheeler. So I am very happy and proud.

Senator Barrasso. Does he need a note from a doctor? We can help him.

[Laughter.]

Mr. Wheeler. Thank you.

And I do have three friends: my friend Don, whom I met my first day of law school in 1987, flew here from Seattle to be here just for this hearing; and my friends John and Michael, who climbed Kilimanjaro with me two years ago. And I figured if they could get me to the top of the mountain, they could get me through today.

[Laughter.]

Mr. Wheeler. Good morning, Chairman Barrasso, Ranking Member Carper, and Chairman Emeritus Inhofe, and members of the Committee. I am truly honored and humbled by this opportunity to appear today as the nominee for the position of Deputy

Administrator at the U.S. Environmental Protection Agency. I want to thank President Trump for this distinguished opportunity, and I want to thank Administrator Pruitt for the trust he has shown in me in supporting my nomination.

As many of you know, I spent 14 wonderful years working on this Committee for Chairman Inhofe and Senator Voinovich in a number of different roles, including the Majority and Minority Staff Director and Chief Counsel. I must say the view from this table is far different from the view from the staff bench behind the dais.

As a side note, I have never sat here before. I think this table is really kind of high. If I had sat here when I was staff director, we would have lowered it.

Starting with the Safe Drinking Water Act amendments in 1996 through three highway bills, several WRDA bills, brownfields, diesel reduction legislation, and numerous other bills that I had the privilege to work on, I always tried to find common ground and work across the aisle.

I would like to take a moment and speak directly to the career employees of the EPA who may be watching this hearing. I started my career at EPA in the Toxics Office in 1991 as a career employee. I have always believed that the career employees at the EPA are some of the most dedicated and hard-working employees in the Federal Government, and, if confirmed,

I would be honored to join you again. The mission of the EPA, to protect human health and the environment, is critical to our Country and its citizens, and something that I take very seriously, and I know that you do too.

President Trump and Administrator Pruitt have set an ambitious agenda that I intend to help implement, if confirmed to this position. Administrator Pruitt has talked about returning EPA to its core mission and purpose, a goal that I wholeheartedly support.

During his confirmation hearing, Administrator Pruitt emphasized three key objectives: first, we are a Nation of laws, and it is EPA's role to administer those laws faithfully. I understand the separation of powers through my time spent working here in the Senate, I know where the laws are drafted, many of them here in this very room, and I will work with the Administrator to ensure that the Agency is following the laws.

Second, Administrator Pruitt committed that the Agency would acknowledge, respect, and promote the critical role of the States in implementing the Federal environmental laws. Cooperative federalism is a cornerstone of the Administrator's approach. We must work cooperatively with the States to ensure that the environment and public health are both protected.

Third, Administrator Pruitt emphasized the important role that the public plays in the regulatory process. He said it is

critical that the EPA truly listen to the diverse views of the American people, and that includes all of the people. It is vitally important that the American public understands the mutual goals of environmental protection and economic growth.

The environment today is cleaner than it has ever been in modern times. As a Nation, we have made tremendous progress since the 1970s, and we have to build upon that progress going forward.

I would like to go off script for just a minute and recognize my mother, who was too ill to travel here today. When I was 21 months old, my sisters were 8 years and 8 months old, our father passed away. Our mother went back to school to finish her teaching degree, taught elementary school for almost 30 years, and raised us on her own. She put all three of us through college and helped us with various graduate schools. She has been my number one mentor, next to Senator Inhofe, and confidante, and I know I would not be here today if it wasn't for her constant love and support.

Mr. Chairman and members of the Committee, thank you again for the opportunity to appear before you today, and I want to thank your staff for their service. I look forward to starting our dialogue now by answering any questions you may have.

[The prepared statement of Mr. Wheeler follows:]

Senator Barrasso. Well, I want to thank both of you very much for your testimony. Throughout the hearing and with questions for the record, Committee members will have an opportunity to learn more about your commitment to public service and your commitment to service to our Nation. I would ask that throughout the hearing you please respond to the questions today during the hearing, as well as written ones for the record.

I have to ask the following questions that we ask of all nominees on behalf of the Committee.

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

Ms. Hartnett White. Yes.

Mr. Wheeler. Yes.

Senator Barrasso. And do you agree to ensure that testimony, briefings, documents, and electronic and other forms of information are provided to this Committee and its staff, and other appropriate committees, in a timely manner?

Ms. Hartnett White. Yes.

Mr. Wheeler. Yes, I will.

Senator Barrasso. And 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. Hartnett White. No.

Mr. Wheeler. No, I do not.

Senator Barrasso. Well, with that, Mr. Wheeler and Ms. White, let me start with Mr. Wheeler, but it is the same question then to Ms. Hartnett White. Could you talk about what accomplishments in your career you are most proud of?

Mr. Wheeler. Wow. I would say I have had a lot of major accomplishments in my career, and I can point to some large bills here in the Committee; the highway bills that I worked on, the WRDA bill, my time at EPA. But I would have to say I have been in this town almost 30 years, and I would like to think that I have kept my personal integrity the entire time, and it is working also with the people that I have worked with on a day-to-day basis.

I know, when I walked up here from the back of the room, I see several former staffpeople that have worked with me over the years, and it is those friendships that I have developed and the day-to-day work that I have done, and I have kept my integrity and I have kept my principles intact the entire time.

Senator Barrasso. Ms. White?

Ms. Hartnett White. I think the professional experience that I would be most proud of was the magnitude of reduction of

ozone-producing emissions in the Houston-Galveston area. Remember, that is the seat of the largest petrochemical complex in the world, with a climate highly inductive to ozone formation. And we did all kinds of innovative things. Talk about a process that involved coordination of multiple agencies at the Federal and State and local level.

In fact, I said if we are right in all these measures that have been the source of the ozone plan, we will attain. Most people wouldn't have thought of it. We attained 2010, 2011. Of course, EPA has since strengthened the standard. We are close to, not quite there, but even more reductions have been made. If that can be done in Texas, that can be replicated in the world.

And I think one of the key things was the most robust science, science particular to the ozone chemistry in the Houston-Galveston area. And I think it is exciting, were I confirmed, to have a job where that kind of achievement can be replicated across the Country.

Senator Barrasso. Let me follow up on that with both of you, because you have both chosen careers in environmental policy, so I ask why do you want to serve as the Deputy Administrator of the EPA, member and Chair of the CEQ in terms of continuing the work that you have done?

Mr. Wheeler, if you want to start.

Mr. Wheeler. Certainly. I really look at the career that I have had so far to date, and the timing of this position, as everything that I have done so far has led up to this at this point, starting as a career employee at the Agency, with my experience here.

I really think I have some of the skills that would be useful to Administrator Pruitt and President Trump at the EPA. With Administrator Pruitt wanting to return to the basic programs of the EPA, I think I can be of help to him. I think I can be of help to President Trump, and I think I can be of help to the employees at EPA as we move forward in this new direction for the Agency.

Senator Barrasso. Ms. White?

Ms. Hartnett White. I will try to articulate three reasons. Because my career has been so broad, it has allowed me to gain a lot of very useful, practical expertise with all environmental media; not just air quality, but water, waste, nuclear waste, in fact, as well across the many Federal environmental laws, and have had the challenge of making a very, very large bureaucracy function efficiently. I think to be able to apply what I have learned would be a great honor.

The second is I am a great champion of getting rid of red tape. That is not saying anything, but this appears to be a time with the last two highway bills which this Committee

approved, and the President's interest and executive orders and permit timeframe reduction and all of that, that this is a unique opportunity to have a bipartisan, supported by the President, major effort across the agencies to reform much of the NEPA process.

Senator Barrasso. Well, thank you very much.

I reserve the remainder of my time.

Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

Again, welcome. A warm welcome to both of you two today.

Ms. White, I was, frankly, surprised to hear the comments that you just shared with us with respect to ozone. In a number of articles and interviews, you have questioned whether ozone is even a harmful air pollutant. We heard a 2016, last year, radio interview for a program called What's Up on the radio, and, Ms. White, apparently you said that ozone isn't harmful to human health unless, and I quote you, "you put your mouth over the tailpipe of a car for eight hours every day."

You also called on Congress to remove EPA's funding for implementing the ozone air quality standards -- this was last year -- and said that the standard should be 85 parts per billion. That is a good deal higher than the 75 parts per billion standard set by President Bush in 2008, and even higher than the 80 parts per billion standard set in 1997.

So I just thought it was interesting, the comments that you made here today.

I would just ask of you, Mr. Wheeler, the EPA's current Web page says, with respect to ozone, ozone in the air we breathe can harm our health, especially on hot sunny days when ozone can reach unhealthy levels. Even relatively low levels of ozone can cause health effects. And the web page goes on to describe the increased risk of asthma, lung infection, other cardiopulmonary diseases that ozone exposure can cause.

In your introduction, we learned that you have a combined biology major in college, spent a majority of your career working on clean air issues, and I know that from personal experience in working with you and Governor Voinovich. But what do you think about the adverse health impacts that are associated with the EPA? Do you agree with what is on that web page that I just quoted?

Mr. Wheeler. I am not familiar with the specific Web page that you have just quoted, but from what you said, I would agree with the health effects that you listed, yes.

Senator Carper. All right.

Ms. White, in 2015 and in 2016, in several speeches and interviews and articles in The Federalist and in Focus Today, you compared the views of people who believe that carbon pollution is causing climate change to those of pagans,

ideologs, and communists. After Pope Francis published his 2015 Environmental Encyclical, you wrote two articles for The Federalist that said that the solutions that Pope Francis was calling for would lead to poverty, socialism, and even concentration camps.

And I would ask Mr. Wheeler, do you concur in those views?

Mr. Wheeler. As a Presbyterian, I am not going to criticize the Pope.

Senator Carper. That is not our style.

Mr. Wheeler. You are asking me if I agree with, I am sorry, the views?

Senator Carper. The characterization. Again, the articles the I quoted. Ms. White compared the views of people who believed that carbon pollution is causing climate change to those of pagans, ideologs, and communists, and said that the Encyclical that Pope Francis wrote would lead to poverty, socialism, and concentration camps.

Are those views that you also embrace?

Mr. Wheeler. I would not put it that way, no, sir.

Senator Carper. All right.

Today, this week, representatives I think from every country in the world are gathered in Bonn, Germany discussing how we can address climate change together. The leaders of every country in the world, except for the current President of

the United States, accept climate science and are committed to do something about it.

Ms. White, do you really believe that the views of all those countries' leaders are properly compared to those of pagans, ideologs, and communists?

Ms. Hartnett White. No, I do not, Senator, and I think some of those words and phrases are taken out of context. I was, in that article, also quoting either the then-current or now recently stepped down head of the U.N. climate program, Cristina Figueras, who made a comment that a global agreement on climate change would provide the first example to destroy the economic model of the industrial revolution.

Senator Carper. Well, I hold in my hand your quotes, your comments verbatim, and I think they speak for themselves. It is good that you are here and saying these things today. I am also glad that we have these words that you said repeatedly in the past.

My time has expired.

Senator Barrasso. Thank you, Senator Carper.

Senator Rounds.

Senator Rounds. Thank you, Mr. Chairman.

Let me just begin. I would like to begin with Ms. Hartnett White.

Do you believe that the CEQ should play a role in

administering the Renewable Fuel Standard, the RFS?

Ms. Hartnett White. No, I don't. I think the current arrangement under law that it is the primary authority of EPA to administer and implement the Renewable Fuel Standard program.

Senator Rounds. Can you share a little bit with regard to the Renewable Fuel Standard, which, truly, in the upper Midwest, has provided tremendous economic opportunity to midwestern farmers? The use of corn, we can grow corn like you can't believe. As a matter of fact, the number of bushels per acre has continued to increase as good science has been utilized and as farming practices have continued to improve at a rapid pace. The American farmer has proven time and time again that they can produce and out-produce anybody else in the world. Investments have been made in the corn ethanol industry, and I want to make certain that this industry continues to thrive.

Can you tell me your view of the economic benefits of the RFS and what it has provided to the midwestern corn farmers?

Ms. Hartnett White. Yes, I would, and I would like to begin by thanking Senator Ernst -- I don't believe she is here right now -- for sending me some current data on a number of the points you just made, sir. I second the President. I am supportive of all of the above of energy sources; all have special purposes and fill important niches.

As you know, the President recently clarified his support

for the Renewable Fuel Standard program, and I solidly support his support. CEQ has no direct regulatory authority over the Renewable Fuel Standard program, and I, of course, will support the letter of the law.

What I like to say about the U.S. agriculture, never underestimate the productivity and innovative capacity of U.S. agriculture.

Senator Rounds. Let me go one step farther, then, to clarify this. You have criticized the RFS in the past and the impact that you believe that it would have on the global food supply.

Ms. Hartnett White. Right.

Senator Rounds. Can you elaborate on these statements and your belief today with regard to the RFS and any impact it would have on the global food supply?

Ms. Hartnett White. I would be happy to. I, in the early years of the program, made some particularly critical questions about whether ethanol would challenge the global food supply. Later, when I wrote a book, published two years ago, I erred by not assuring that I had current data, and the data that has been shared with me by Senator Ernst and others now, what a great victory; and I congratulate the corn industry.

But the amount of increased productivity, how that has increased the supply of corn, that it appears now, on the basis

of data now, there isn't any kind of inherent attention. There is enough on the surfeit that it has been so productive, and I salute the industry.

And as a child of rural America, I painfully observed over much of my lifetime the decline of once vibrant small towns and people who would so like to stay there, but there just is not the employment. And an industry like ethanol has really contributed to giving new life to rural communities and keeping families together and all those things.

Senator Rounds. Very good.

Let me ask this also of both of you; and I will begin with Mr. Wheeler, but I want both of you to answer this. In the prior administration there were several instances in which regulations were promulgated based on what I believe to be questionable science or without asking the science advisory boards for their input. It increasingly seemed like politics were replacing the science in the regulatory process.

I would like to know your views on sound science and on the role that it plays in the Federal regulatory process, and I am going to end with this, as well. It goes beyond just your view of sound science, but being able to release the information upon which environmental policies are being based so that we can gain confidence in those decisions.

And I think, as Ranking Member Carper has indicated, I am a

firm believer that when requests from a member of the United States Senate are made, if they are not responded to, that does not provide confidence that the decisions have been made appropriately. I don't care whether it is a Republican or a Democrat Administration. That type of communication has to be respected. And I would like your thoughts on both of those, please.

Mr. Wheeler. First, I am not a scientist, but I would certainly listen to the career scientists at the Agency and the outside science advisory boards to the Agency on what is the best available science at the time for any regulatory decisions. And I also agree with you and believe that all that should be out in the public for everybody to see, because I think when we make informed decisions and we explain to the public why we are making the decisions, that is paramount to what we do at the Agency.

Senator Rounds. Ms. Hartnett White?

Ms. Hartnett White. I think it is key to have access to that data. That is the bedrock data from which all kinds of other programs and analyses occur.

Senator Rounds. The second part of my question was what about communications between members of the United States Senate and your offices, what is the belief? Do you believe that those requests should be responded to?

Mr. Wheeler. Absolutely. I have a history on that with the Committee that would take me a while, but I worked with Senator Carper in 2001 to make sure that he had the Clear Skies data that he was looking for, and I worked with Senator Jeffords' staff in 2003 to try to make sure that they had the information that they were requesting from the EPA.

Senator Rounds. Ms. Hartnett White?

Ms. Hartnett White. And I agree, yes, I think that is essential to making the full Federal Government work.

Senator Rounds. Thank you.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Rounds.

Senator Carper. Chairman, can I ask unanimous consent for the record that the six times that Ms. White has called for the repeal of the Renewable Fuel Standard in the past decade, as recently as last year, be made a part of the record?

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Barrasso. I would also point out that under Ms. White's leadership from 2001 to 2007, the Texas Commission on Environmental Quality issued administrative orders that required payments of more than \$47 million in penalties. During that time, the Texas Attorney General's Office obtained civil judicial orders in cases involving TCEQ that required payments of more than \$380 million, and I also ask unanimous consent that we insert this into the record. Without objection.

[The referenced information follows:]

Senator Barrasso. Senator Cardin.

Senator Cardin. Thank you, Mr. Chairman.

I want to thank both of our nominees for their willingness to serve in a very important public position.

Mr. Wheeler, I particularly want to underscore the message you made in your opening statement to the career people at EPA. I very much appreciate that statement. And I was impressed by your highlight of maintaining your integrity, which, to me, is not always easy. It is a proud accomplishment. It is always good to see a person from our staff move on, so it is good to see you here.

Mr. Wheeler. Thank you.

Senator Cardin. I want to first ask consent that a letter signed by 47 conservation, environmental, and public health organizations to members of this Committee in opposition to Ms. White's confirmation be made part of the record based upon that she should not be placed in such a pivotal position in an agency whose mission she clearly does not believe in. I would ask unanimous consent.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Cardin. Ms. White, I want to follow up on some of Senator Carper's points about your comments. Just last Friday, the Trump Administration released the fourth National Climate Assessment for the U.S. Climate Research Program, reiterating that human activity is the dominant cause of global temperature rise.

Now, I say that in that COP 23 is convening this week in Bonn, Germany, the twenty-third opportunity for the international community to come together on climate issues, and I particularly was concerned about an article you wrote that contains much of what Senator Carper was referring to. The article was Signing the Paris Agreement is the Worst Way to Celebrate Earth Day.

Now, when the climate agreement was signed, there were two countries that did not participate; the rest of the global community did. Those two countries have since now joined the Paris agreement, so it was the entire global community that came together; and now there is one country that is backing off of it: the United States.

So I have a responsibility, as the Ranking Democrat on the Senate Foreign Relations Committee, which has primary responsibility over the international global discussions on climate. So I questioned Secretary nominee Rex Tillerson as to his views on this, and he was very open and said, yes, the

United States should be sitting at the table during climate discussions with the international community and, yes, climate change is real. There may be different ways of dealing with it, but it is real, and we have to deal with it.

It seems to me that you don't believe climate change is real.

Ms. Hartnett White. I am uncertain.

Senator Cardin. You are uncertain.

Ms. Hartnett White. No, I am not, I am sorry. I jumped ahead. Climate change is of course real.

Senator Cardin. Does human activity affect climate change?

Ms. Hartnett White. More than likely, but the extent to which I think is very uncertain.

Senator Cardin. Have you relied on scientists to give you that answer or not?

Ms. Hartnett White. No, I had the question for a very long time.

Senator Cardin. So you have a distinguished background in academics and humanities and religion.

Ms. Hartnett White. Yes.

Senator Cardin. Which is fine. It is a wonderful field. You are not a scientist, are you?

Ms. Hartnett White. No, I am not a scientist, but in my personal capacity I have many questions that remain unanswered

by current climate policy. I think we indeed need to have more precise explanation of the human role and the natural role.

Senator Cardin. And where do you get that information from?

Ms. Hartnett White. A wide range of information. The IPCC is a very good source.

Senator Cardin. What is that?

Ms. Hartnett White. United Nations Intergovernmental Panel on Climate Change that has been the vehicle for ongoing assessment of climate change.

Senator Cardin. What role do scientists play in this?

Ms. Hartnett White. Many of them are the authors. There are thousands of them involved in the whole, but they are, of course, they are scientists.

Senator Cardin. Would you support the EPA allowing its scientists to fully participate in all discussions?

Ms. Hartnett White. I don't see why not. I think science should overwhelmingly guide assessments and all of that, but I don't think they dictate policy results.

Senator Cardin. Do you stand by your statement that carbon dioxide, greenhouse gases are not dangerous at all to our environment?

Ms. Hartnett White. I would characterize it differently, but I would say that, as I did earlier, it is likely that CO2

emissions from human activity have some influence on the climate, but, again, not to the extent, but CO2 in the atmosphere has none of the characteristics of a pollutant that contaminates and fouls and all of that that can have direct impact on human health. As an atmospheric gas, it is a plant nutrient.

Senator Cardin. One last question, Mr. Chairman, and that is, you disagreed with the Supreme Court decision that said that the EPA had a responsibility because of the impact of greenhouse gases on public health. Are you now changing that or do you still --

Ms. Hartnett White. That was styled as the Massachusetts decision in 2007. That is the Supreme Court's ruling. That is the law of the land.

Senator Cardin. But you think it was based on the wrong scientific information?

Ms. Hartnett White. No. I thought it was based on an overly expansive reading of the definition of an air pollutant in the Clean Air Act.

Senator Cardin. Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Cardin.

Senator Carper. Mr. Chairman, I ask unanimous consent to submit for the record materials relating to Ms. White's views that higher carbon dioxide levels are not harmful to our

environment.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Barrasso. Senator Fischer.

Senator Fischer. Thank you, Mr. Chairman.

And thank you both for being here today.

Mr. Wheeler, I appreciated you coming to meet with me, and in our meeting we did discuss the importance of the RFS to my State and to the viability, I believe, of all of rural America.

The Deputy Administrator plays an important role in ensuring that the Renewable Fuel Standard functions according to congressional intent. How familiar are you with the President's commitment to the RFS and to biofuel production, and will you uphold the President's commitment to the RFS?

Mr. Wheeler. Thank you, Senator. I enjoyed our visit and talking about this issue in your office.

The RFS is the law of the land and I fully support the program. I have not had specific conversation with the President on this issue, but, from all accounts, fully supports the program and the intent of the program, and I support both the law and the intent of the RFS program.

Senator Fischer. Thank you very much.

Ms. White, as I discussed in our meeting, I do have serious concerns with numerous factually incorrect statements you have made about the RFS. I worry about your lack of understanding about the purpose of the law, which is to provide market access for renewable fuels and to promote agriculture and to promote

rural America. As I have stated multiple times, I support an all-of-the-above energy policy, but I worry about your extremist views and your role as an advisor to the President.

We are all aware of your statements and position on the RFS. However, it is the law of the land. Should you be confirmed, I would ask you will you echo President Trump's support for the statute and uphold the congressional intent of the RFS?

Ms. Hartnett White. Yes, I would. That is what I understand as upholding the rule of law.

Senator Fischer. Do you think it is important to provide the President with accurate, factual information when you provide him with options on issues, if you are confirmed?

Ms. Hartnett White. Absolutely. And that advice needs to be based on the most solid, informed, robust science and data.

Senator Fischer. In our conversation in my office, and in your answers to Senator Rounds, you did state that you used flawed data as recently as 2014, as recently as 2016 with regards to the RFS in making statements such as ethanol policies of the United States have led to food riots in several countries over the last few years. That was in 2014.

I would ask you if you can guarantee in any way to us that you will check data, that you will check facts, that you will, in your capacity, if you are confirmed in this position, to

always, always check and make sure you are providing that accurate information to the President of the United States when you give him options?

Ms. Hartnett White. The specific question, please?

Senator Fischer. Will you use facts when you are presenting options?

Ms. Hartnett White. Oh, of course.

Senator Fischer. And current data.

Ms. Hartnett White. And the 2014 statements you are talking about was a part of the book.

Senator Fischer. Will you use current data and facts?

Ms. Hartnett White. Yes, I will, unquestionably.

Senator Fischer. Thank you.

I would remind people that we are talking about more than corn here. Of course, when we talk about the RFS and renewable fuels, we are looking at second generation biodiesel. We are looking at our soybean growers, as well. This is a huge issue for rural America and we need to take it seriously.

As a follow-up, Ms. White, there have been press reports about some interest in altering the RFS before 2022. I would ask would you commit to me today that, should you be confirmed, you would not support opening up the RFS before 2022?

Ms. Hartnett White. I would support the President's position in that.

Senator Fischer. So you will not commit that to me at this point?

Ms. Hartnett White. I can't really prejudge that.

Senator Fischer. Okay.

Ms. Hartnett White. And I might also add it is not because, at another time, I would feel comfortable making a clearer position.

Senator Fischer. Okay, fair enough. Thank you.

Mr. Wheeler, we also discussed the importance of communication between the EPA and stakeholders that are impacted by regulations. For many years I have heard a lot of frustrations from constituents about the lack of dedication at the EPA to assist with compliance requirements for communities and for businesses.

Sometimes we have seen in the previous years really an agency that I think works on a gotcha mentality instead of looking at a collaborative approach. So I would ask you if you would look at using collaborative or cooperation with federalism in working with States and local communities, and really being an agency that assists States and local communities to meet and be in compliance with regulations that are so very important for us.

Mr. Wheeler. Absolutely, Senator. Administrator Pruitt's commitment to cooperative federalism I think goes right along

with what you just said, and I am looking forward to helping him implement that.

Senator Fischer. Thank you so much.

Thank you, Mr. Chair.

Senator Barrasso. Thank you, Senator Fischer.

Senator Carper. Mr. Chairman, can I make a unanimous consent request that a number of references in recent years to paganism, communism, relating that to climate change from Ms. White be entered into the record, please?

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Barrasso. Senator Booker.

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

Ms. Hartnett White, I am very concerned about environmental justice issues in our Country, and I have this belief, which I don't think is radical, that every American should have access to clean air, clean water, even clean soil to plant in. Because of the issues of urban areas, I live in the central ward of Newark and see how challenging the exposure to particulate matter is for children in my city that I was mayor of; asthma rates off the charts, teachers complaining about even just being able to educate kids because of the level of kids missing school because of asthma.

But this is not just a New Jersey problem. I have traveled, since I have been on this Committee, to Duplin County, North Carolina, where people who live around CAFOs have alarming rates not just of cancers, but also of respiratory diseases. A few months ago, I was in a place unfortunately nicknamed Cancer Alley in Louisiana, between Baton Rouge and New Orleans, where, again, particulate matter released by petrochemical plants has people literally gasping for air at alarming rates.

A lot of my colleagues have already mentioned some of your alarming rhetoric on some of these issues, but I just really have an urgent concern about your views of the dangers of particulate matter in some of your past statements. I was

really shocked when my staff pulled documents that showed that at an Americans for Prosperity conference in 2011, you publicly stated that "people do not die from particulate matter levels." Then again in 2013 you testified actually before a House subcommittee and said that "In the last five years, EPA's regulatory initiatives have been preoccupied with particulate matter as if it was a source of major risk to premature mortality."

I look at a lot of the data and studies, and I had my staff pull for the hearing, and they pulled one study, which is one of the most comprehensive, really an unprecedented study that was published in the New England Journal of Medicine from Harvard University, which looked at 60 million Medicaid participants, 60 million people over a 12-year period, longitudinal study of an unprecedented nature, with far more statistical power than any previous analyses done.

The researchers looked at every American over 65, including people in rural places like I named and urban places like I live in, and the analysis unequivocally linked long-term exposure to ozone and fine particulate matter to an increased risk of premature death. The study found, in fact, no evidence of safe levels of exposure to particulate matter. It really sounded the alarm.

And I will tell you what is disturbing to me is how this

particulate matter seems to affect low income people. It affects poor folks and, as a result, disproportionately people of color. And they show that the higher risk of premature deaths for African-Americans, for example, are three times higher. Three times higher.

So I just really need to understand your position on the urgency of particulate matter and dealing with this environmental justice. So maybe the specific question, first of all, do you think the New England Journal of Medicine is wrong in this study about the crisis of particulate matter?

Ms. Hartnett White. Senator, I would have to read it before I answer that. But, if I may, I would like to tell you about some work I am proud of regarding environmental justice in Texas.

Senator Booker. You will forgive me, but I only have a minute and 10 seconds left, so I just would like to push you a little bit. So you think the New England Medical Journal of Medicine might publish a study that isn't scientifically sound?

Ms. Hartnett White. I think there's all different kinds of methodologies, and, if I were still at TCEQ, I would gather my chief toxicologist and his staff, the professionals, to completely absorb that and brief me on it.

Senator Booker. So I think what I am trying to get at is do you or do you not believe that we have a crisis of

particulate matter in the United States of America in certain communities now, especially low-income communities?

Ms. Hartnett White. Why, when the bulk of the Country attains the national ambient air quality standard for fine particulate matter, that, to me, is confusing, if there is a crisis.

Senator Booker. Well, I don't find it confusing; I find it really concerning, as we have a Nation right now with the number one reason why kids miss school, medical reason, is asthma; that we see that disproportionately in communities that are dealing with real problems with particulate matter, whether it is highways, airports, CAFOs, or the like.

I find it deeply, deeply concerning your past statements and your inability right now to say for the record that you think there is a crisis in this Country with particulate matter and the respiratory diseases that are affecting so many of our children. To take a position that is supposed to be protecting people to a fundamental American right of clean air, clean water, I have grave concerns about your nomination.

But my time has expired.

Senator Barrasso. Senator Carper.

Senator Carper. Mr. Chairman, could I ask unanimous consent that Ms. White's views be entered into the record relating to her view that particulate matter does not harm human

health, please?

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Barrasso. I would also like to point out that Dan Patrick, the Lieutenant Governor of Texas, has written in support of Ms. White's nomination. He goes on to say, "Ms. White has over 30 years' experience on environmental issues, served as Chair of the Texas Commission on Environmental Quality and as Director of the Texas Water Development Board and the Lower Colorado River Authority." He goes on to say, "Her record is outstanding."

Unanimous consent to enter this into the record.

[The referenced information follows:]

Senator Barrasso. Senator Ernst.

Senator Ernst. Thank you, Mr. Chair.

And thank you to our witnesses and nominees today.

While campaigning, then-candidate Trump made numerous pledges to support biofuels and the Renewable Fuel Standard. You see it has been a topic that has been brought up a lot this morning. And he had reiterated those commitments as President, as well. He understands the value of an all-of-the-above approach to energy production that helps our Nation unlock all of our bounty, regardless of where that comes from; from oil and gas to wind, solar, and biofuels.

Specifically, biofuels form the bedrock of our rural communities and support our farmers, while helping to further our domestic energy independence. We are producing and consuming more biofuels now than ever before, and yet the price of corn and soybeans, the primary feedstocks for producing biodiesel and ethanol, are at the lowest levels in decades.

Right now, at the Merc, in Red Oak, cash corn is right around \$3.00 a bushel and soybeans are under \$9.00, and both of these numbers are well below our cost of production. So, today, as my husband sits in the tractor helping my sister and brother-in-law with harvest, they are finding that their return on the investment is very, very low. The prices are so low that farmers working around the clock to bring in this huge crop are

losing money on every acre. And I think this should put the food versus fuel debate to rest for good.

EPA Administrator Pruitt has already done so much to help our farmers and ranchers, including rolling back the onerous WOTUS Rule. He has also committed to me on several occasions, including in front of this Committee, to uphold both the spirit and the letter of the law; and I want to thank both of you for making that commitment, as Senator Fischer had asked, in front of this Committee today. So thank you for doing that.

Ms. White, during our meeting last week, I had the chance to ask you about your qualifications for this role, as well as your past criticisms of the RFS and biofuels, particularly the food versus fuel argument, which is something I believe Senator Rounds also addressed. In light of the current market forces at work in the ag economy, which I touched on in my opening, has your position on this changed?

Ms. Hartnett White. On the food?

Senator Ernst. Food versus fuel.

Ms. Hartnett White. Yes. This data, you know, is great news, because the ethanol program doesn't somehow create some problem with meeting global food demand.

Senator Ernst. Thank you. And, if confirmed, you will be working closely with the President in your advisory role at CEQ. The President has made clear on numerous occasions that he

intends to uphold both the spirit and the letter of the RFS. Do you envision any scenarios out there in which you would offer advice to the President or support policies that run contrary to his agenda or campaign promises?

Ms. Hartnett White. There is none that comes to mind, but, you know, matters change, so I couldn't, you know, exactly predict what would be the variables involved.

Senator Ernest. Should those variables change, though, you will do your best to work with varying points of view to make sure that the information is accurate and presented appropriately to the President?

Ms. Hartnett White. Absolutely.

Senator Ernst. Okay, thank you.

And, also for Mr. Wheeler, the primary concern that many of the opponents of the RFS have raised is the price of compliance credits, or the RINs; and one way we have suggested to mitigate that is to address the Reid vapor pressure, or RVP, issue, which would make E15 and higher blends of ethanol available year-round nationwide. There is some debate as to whether or not this RVP issue can be addressed administratively or whether it requires legislation, such as the bill that was introduced by Senator Fischer.

If confirmed, would you commit to issuing a determination on whether the EPA can do this administratively?

Mr. Wheeler. Yes. I just want to make sure that I am not committing to predetermine what the outcome would be.

Senator Ernst. Exactly.

Mr. Wheeler. But if I understood your question correctly, then, yes.

Senator Ernest. Yes or no, yes, that you could do it administratively. We need to know that.

Mr. Wheeler. Not prejudging that yes or no, yes, I could commit to providing one of those at the appropriate time.

Senator Ernst. Thank you. I appreciate that, because we need that determination from the EPA. If you are not able to handle the RVP issue administratively, then we need to turn to a bill or do it legislatively, such as Senator Fischer has presented, so we would need to work that issue through Congress. And I do look forward to working with you on this issue. I think we do need to make E15 available year-round and, again, work on our energy independence, as the President has made this one of his goals.

So, with that, Mr. Chairman, I thank you for my time.

Senator Barrasso. Thank you, Senator Ernst.

Senator Carper. Mr. Chairman, can I make another unanimous consent request?

Senator Barrasso. Senator Carper.

Senator Carper. If I could submit for the record a

November 7, 2017 letter from the Delaware Riverkeeper Network to members of our Committee. The letter urges the Committee to reject Ms. White's nomination on the basis that her record is of loyalty and bias in favor of the fossil fuel industry. The letter states, "Someone who claims that 'there are no major environmental problems' facing our Country has no business developing and implementing environmental policy at a time when our Nation is facing the greatest environmental threats as ever encountered."

That is the end of the quote. I thank you, Mr. Chairman.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Barrasso. Also for the record, I would like to introduce by Dr. Brian Shaw, the Chairman of the Texas Commission on Environmental Quality, that was written in support of Ms. White's nomination. Dr. Shaw explains, "As the current TCEQ Chairman, I have a unique perspective on her contribution to this agency. Serving as the TCEQ chairman is no easy feat, and she served the State of Texas with grace and poise." He goes on to say, "As evidenced by her career and background in environmental regulations, Kathleen is more than capable to serve as the Chairman of the Council on Environmental Quality."

Ask unanimous consent. Without objection.

[The referenced information follows:]

Senator Barrasso. Senator Markey.

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

Ms. White, your positions are so far out of the mainstream that they are not just outliers, they are outrageous; and, from my perspective, you have a fringe voice that denies science and economics and reality. So I would like to turn to a subject here that you have commented on, and that is the renewable industry. You said, in 2016, "Renewables are a false hope that simply won't work." In the same piece you said, "Intermittent renewables are parasitic on backup power from reliable fossil fuels."

Well, wind power is now up to 7 percent of all of our electricity. In 2020, we are projected to have 120,000 megawatts of wind, and we now have over 100,000 Americans working in the wind industry. By 2020, we are going to have half a million Americans working in the wind and solar industry, half a million Americans. Most of them are good paying, blue collar jobs. These are roofers, they are electricians, they are steel workers, they are people who are going to be engineers working on the turbines.

Are you saying that these 500,000 people are parasitic, that they are working for an industry that is parasitic and harming America?

Ms. Hartnett White. I would like to make two points of

clarification. The false hope phrase comes from one of the several engineers hired by Google to come out with a plan where you could really be powered by 90 percent by renewables when that was their conclusion, that as a matter of physics renewables --

Senator Markey. Do you think the wind and solar blue-collar workers are working for a parasitic industry?

Ms. Hartnett White. In using the word parasitic, I was only referring to the fact that when you have an intermittent energy source, you have to have a backup with a steady state reliable source. I was not talking about any employees.

Senator Markey. Well, the impression you leave is that this is not a real industry, that wind and solar are not actually playing a vital part in producing new energy in our Country, whether it be in Iowa, which is now upwards of 35 or 40 percent of all electricity with wind, and State after State. So I just think it is an unfortunate and cruel characterization of all of these workers; and it will be a half a million by 2020, at the current pace, most of them blue-collar.

If it was 50,000 coal miners, you would never say that about coal miners. But why would you say it about the 500,000 blue-collar workers who are in the renewable energy? It is just absolutely wrong, and calling them inconsequential is even more wrong in terms of your economic analysis. It is a very real

addition, and it is growing, and that is what is most fearful in the hearts of the coal industry. But you can't characterize them in a way, these workers, that is so painful, I am sure, to hearing them be described as working in industries that aren't contributing dramatically to American economic growth.

Mr. Wheeler, as a former lobbyist for Murray Energy, you have made a career working on behalf of the fossil fuel industry to eviscerate regulations designed to protect public health and the environment. Murray Energy has sued EPA to stop clean air and water protections. Five of those cases are ongoing. As EPA Deputy Administrator, you would be in a position to serve as plaintiff, defendant, judge, and jury of these ongoing five lawsuits.

Will you agree to recuse yourself from these lawsuits which Murray Energy brought against the EPA not just for one year, but for the entirety of the time that you are the Deputy Administrator of the EPA? Will you commit to recusing yourself from any of those matters?

Mr. Wheeler. Two points. First of all, I am not sure which of the five. My law firm did not represent Murray in any of the litigation against the EPA. I have talked to the career ethics officials at the Agency and I have had preliminary discussions with them on my recusals, what I would have to do, and I am going to follow the guidance that they have given me,

and I will not be meeting with my former clients or my former law firm, in following the advice and guidance of the career ethics officials at the Agency.

Senator Markey. Will you recuse yourself from the lawsuits, which are still ongoing, that have been brought by the interest that you were representing before you were nominated for this position?

Mr. Wheeler. Again, Senator, I will abide by the guidance and requirements given to me by the career ethics officials at the Agency on what I would have to recuse myself from. At this point, in discussions with them, I don't anticipate needing any waivers. I will be recusing myself from any work where there is a conflict going forward.

Senator Markey. I am just afraid you are going to wind up as the plaintiff, defendant, judge, and jury in one of these five matters, and I just think it would be wrong.

Thank you, Mr. Chairman.

Senator Inhofe. [Presiding.] Thank you, Senator Markey.

First of all, right now I don't think I will ask any questions of Andrew Wheeler since he worked with me and for me for 14 years. There is nothing I could ask that I don't already know. You will be a great, great help to the EPA.

I would like to make one observation though. All the discussion on this side has discussed the RFS. The RFS, in

fact, is really in the jurisdiction of the EPA and not the CEQ. Actually, Andrew, that is your problem and not hers.

Let me say to Ms. White, I understand several of the extremists are driving a narrative that you hate the environment and worked to give cover to polluters when you were at Texas Commission CEQ. However, I was looking at the enforcement numbers of the Texas CEQ during your tenure. To me, it looks like a number of administrative orders and amounts of penalties increased significantly. I think that is very important because you had a job to be agnostic in terms of who you were criticizing and blaming and so forth. Would you address that?

Ms. Hartnett White. I would be happy to. I might share with you an example of my commitment to environmental protection. I really think totally in terms of fundamental protection of human health and welfare. Risk to children particularly motivates me.

In response to an environmental justice issue, we had a program where we went to key plants within the vast Houston industrial petrochemical complex and really increased the amount of air monitors so we could really know what we were dealing with. We required that operators of the industries in question had fence line monitors, very expensive things to do. We got the data. We had sensors on the families who were most concerned or who had demonstrable health impact so we could get

that information. We worked back to the industry to operate in a way that minimized or eliminated the troubling pollution.

Senator Inhofe. How about penalties?

Ms. Hartnett White. Yes, and a lot of those were following federal Clean Air Act, federal Clean Water Act, very important and essential portions of environmental protection. I took that very seriously.

I think, regrettably, part of the reason why we were able to reduce emissions so much was that there was certain enforcement, if there was any departure from their permits that could possibly have been controlled.

Senator Inhofe. Information that I have, which I think needs to be in the record, is that you have penalized companies that did not comply with the very thing that has been emanating from the other side of the aisle.

Ms. Hartnett White. We have 16 regional offices in Texas and almost all are devoted to investigations and enforcement actions if they are needed.

Senator Inhofe. Thank you very much.

We have had eight years of an Administration that does not want fossil fuels, coal, oil and gas, and does not want nuclear. Yet, sometimes you just have to appeal to logic and ask the question. If well over 80 percent of the energy it takes to run America is either fossil fuels or nuclear, and you extract that

from all of the above, how do you run the machine called America? Another way of putting it is, are there risks associated with solely relying on renewable energy?

Ms. Hartnett White. We have seen in other countries that is the case in Germany and the UK. I might qualify by saying I am not as current on these numbers as previously, but the average retail electric rates in Germany are two to three times higher than the average retail rates in this Country in significant part for the reason that they are very aggressive.

Senator Inhofe. I would further say you have actually been criticized for some of the penalties that have come from your office in the State of Texas. I know that is true because I know some of the individuals.

As chair of the Texas CEQ, one of your responsibilities was to review applications for new electricity generation. Can you tell us about the process you used when deciding whether to permit new electricity generation?

Ms. Hartnett White. We followed the law, first of all, importantly, the Clean Air Act as interpreted by EPA. We required all kinds of maybe more data, meaningful modeling, and robust science as a part of that.

They are permits that derive from the federal Clean Air Act but we did the permits in a very, very strict way.

Senator Inhofe. I appreciate that very much. My time has

expired.

I wanted to show and demonstrate what you, as the Administrator of the Texas CEQ, did in following the law regardless of who was responsible. Thank you.

Senator Barrasso. [presiding] Thank you, Senator.

Senator Whitehouse.

Senator Whitehouse. Thank you, Mr. Chairman.

Mr. Chairman, there is another voice from Texas that has a rather different view of Ms. Harnett White. That is the Dallas Morning News, the local newspaper which under the headline, Trump Errs in Naming Climate Denier and Former Texas Regulator to Environmental Post, went on to say, "Her performance as an environmental regulator in Texas suggests that she would lock step in dismantling vital environmental protections."

They described her record as, "abominable." They described her as "an apologist for energy interests." They concluded by saying, "The Nation needs a White House advisor who respects science and seeks a reasoned balance between energy needs and environmental protections. Kathleen Harnett White does neither."

They went on to put in a kind of special extra section with a list of bullet points on why Kathleen Harnett White is wrong for the job. I would ask unanimous consent that the Texas editorial be put into the record.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Whitehouse. Mr. Wheeler, was anything happening when you climbed Kilimanjaro that relates to fossil fuel emissions?

Mr. Wheeler. The air was very thin, if you are referring to the glacier.

Senator Whitehouse. I am asking you, was anything happening on Kilimanjaro?

Mr. Wheeler. The glacier is still there on top.

Senator Whitehouse. That is not answering my question.

Mr. Wheeler. I did not understand your question then.

Senator Whitehouse. Was there anything going on that you are aware of, did you learn anything about what was happening on Mt. Kilimanjaro that relates to fossil fuel emissions?

Mr. Wheeler. No, sir.

Senator Whitehouse. Nothing. Okay.

You are a lobbyist for Murray Energy?

Mr. Wheeler. Yes, Murray Energy is one of my clients.

Senator Whitehouse. The head of Murray Energy, Bob Murray, has said that he has a three-page plan that is being implemented by Scott Pruitt at the EPA. He said they are already through the first page. What can you tell us about Bob Murray's three-page plan that he claims Scott Pruitt is implementing at the EPA?

Mr. Wheeler. I did not work on that and I do not have a

copy of that memo.

Senator Whitehouse. Would you be able to get your hands on one?

Mr. Wheeler. I also have client confidentiality concerns with my clients as well. I don't have a copy of the memo, no.

Senator Whitehouse. We also have disclosure interests when you are a candidate for a significant federal position. Are you asserting that there is attorney-client privilege between you and Murray Energy Corporation with respect to the three-page plan?

Mr. Wheeler. I have deregistered representing him as of August. I don't have one in my possession.

Senator Whitehouse. Have you seen it?

Mr. Wheeler. I saw it briefly at the beginning of the year, but I don't have a copy of it.

Senator Whitehouse. Do you recall anything about it?

Mr. Wheeler. No. I don't even know how many pages it was. I think you said it was three pages?

Senator Whitehouse. That is what Bob Murray said it was. I have never seen it, so I would not know but he said he had a three-page plan that Scott Pruitt is implementing for him at the EPA and that he is through the first page for Bob Murray already. I am trying to inquire about that.

You said you have seen it. Does it look like three pages,

two pages, or four pages? You are the one who saw it.

Mr. Wheeler. Somewhere around there. I did not have it in my possession. I looked at it and handed it back to him.

Senator Whitehouse. Do you remember where you were when you looked at it and what the context was for that conversation?

Mr. Wheeler. No, actually, I don't. It may have been in our offices, but I don't remember.

Senator Whitehouse. "Our offices" meaning your law firm?

Mr. Wheeler. Yes.

Senator Whitehouse. I guess I will try to follow that up further with questions for the record because I think it is something of a significant situation if the CEO of a regulated industry is saying he has given his regulator a three-page plan and takes credit for having gotten through the first page of it already. We have a candidate for Deputy Administrator who said he has seen it and confirm that it exists.

I think the American people are entitled to an EPA that is not following a coal company's three-page plan but is following wherever the best interests of the American people lead, wherever the best interests of real science leads.

I hope the Chairman will allow us to consider pursuing how we get our hands on this three-page plan that Mr. Wheeler has seen and that evidently, according to Mr. Murray, is now driving what happens at EPA.

I have one question for Ms. Hartnett White. Are you aware of anything that is happening in the oceans that relates to fossil fuel emissions?

Ms. Hartnett White. There are probably a number of them.

Senator Whitehouse. Name a few.

Ms. Hartnett White. I have a very superficial understanding as far as that. Acidification issues are one. I have not read widely or deeply. I have read some with different perspectives, some of which suggest that it is a very, very fragile set of changes in acidification and others that say for long eons in geological history, there are certain places where certain oceans may have changes in acidification levels but not others.

Changes up or down are not inherently a problem, but, no, I cannot speak as an authority on that. I am aware it is one of the multiple key issues as far as potential impacts of manmade global warming.

Senator Whitehouse. My time has expired, Mr. Chairman. Thank you for letting me go over about 50 seconds.

Senator Barrasso. Senator Boozman.

Senator Boozman. Thank you, Mr. Chairman.

Thank you all for being here and your willingness to serve.

I just came back from the Floor of the Senate. I was speaking about a veterans' bill that myself and Senator Wyden

had worked on together and were successful in getting it eventually put into another bill and passed. It is an important thing that really will make a difference for several individuals in the military.

Over the years, Mr. Wheeler, you have been an integral part of helping this committee pass many important pieces of legislation. Like the Veterans Committee, this committee has areas where we do not have a lot of agreement but we have other areas where we have tremendous agreement. You have played a big part in helping us put those together.

A lot of people don't understand how difficult it is getting a comprehensive, bipartisan piece of legislation passed. How do you feel your role as a staff member at the EPW Committee has prepared you to bring people from all walks of life to the table to develop and implement important EPA regulations?

Mr. Wheeler. Working here for 14 years, I worked on a number of different bipartisan bills, including three different highway bills, several WRDA bills, the Diesel Emissions Reduction Act with Senators Carper and Inhofe, and brown fields legislation.

Throughout the time I spent here, I met with a wide variety of people with concerns and problems before the Federal Government that needed help from Congress, not just legislative help but help with agencies.

It ties back to my time when I worked at the EPA at the beginning of my career. I think between my time here working on the different bipartisan bills and trying to work across the aisle, there were a number of bills that we tried to work across the aisle that we just were not able to get over the finish line over the years.

I learned lessons not only from our accomplishments but also from some of our failures. I think what I learned most of all is that both sides come to the table with strong views sometimes, but wanting to do the right thing.

It is important to try to work past some of the politics to get to solutions that help the American people.

Senator Boozman. Very good.

You mentioned just now your time at EPA and EPW and got some good environmental outcomes that also provided regulatory certainty for the Country. Can you talk about the benefit to the environment and economic benefits when you have regulatory certainty?

Mr. Wheeler. Absolutely. I think regulatory certainty is very important. In my time working with a number of different clients and different industries, it is not that people are out there trying to figure out what to do wrong or how to break a rule or regulation. They want to know what the rules are and want to know, with certainty as they move forward with projects,

what they have to do and what the requirements are.

I think it is incumbent upon the EPA to make sure that is clear for anyone trying to do business in the United States. I don't think we would have as many violations if everyone understood what the requirements were and what they had to do.

Senator Boozman. A criticism of EPA during the previous Administration, in fact I would say Administrations in general, was the agency's disconnect with rural America. Many hardworking Americans in rural States felt they did not have a voice with past Administrations and that their opinions did not matter.

If confirmed, what would you do to facilitate a stronger level of trust between EPA and rural America?

Mr. Wheeler. I have an absolute respect for rural America. In my first year working for Senator Inhofe, I went out to Oklahoma and put 1,000 miles on a rental car driving all over the State and a lot of small communities. I understand the problems they face.

I understand the need for EPA to work with the States, through the regions with the States and the local communities to make sure everyone understands what the environmental priorities are, what the environmental requirements are and to work with people to make sure we can have a clean and safe environment, protect the public health and environment, and have job security

and economic growth.

Senator Boozman. Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Boozman.

Senator Merkley.

Senator Merkley. Thank you, Mr. Chairman.

Mr. Wheeler, you noted that your client, Murray Energy, showed you a three-page plan on how to dramatically change the EPA. At the time you saw that plan, were you already a nominee for this position?

Mr. Wheeler. No, I was not.

Senator Merkley. Did the client express interest that he hoped you would be able to help advance that plan?

Mr. Wheeler. No.

Senator Merkley. Why did your client show you that plan?

Mr. Wheeler. This was back in either December or January, almost a year ago.

Senator Merkley. Was it in the interest of having your help to promote it?

Mr. Wheeler. No, it was just to look at it, to see what they had put together.

Senator Merkley. Ms. White, you said "There is no environmental crisis. In fact, there is almost no environmental problem." Do you still believe that?

Ms. Hartnett White. I would not put it that way.

Senator Merkley. You did put it that way. Do you still agree with that statement you made previously?

Ms. Hartnett White. I would qualify it. That is not what I intended to say.

Senator Merkley. What do you consider to be the top three environmental problems?

Ms. Hartnett White. Air quality, and I think a very current one, increasing risk from failing wastewater or drinking water treatment infrastructure, and I would say for the importance of an issue, climate change.

Senator Merkley. You are telling us today that you believe that air quality is an issue even though you previously said you don't think particulates are a problem and that the ozone problem is solved?

Ms. Hartnett White. I don't know from what documents you are finding those statements but they may be out of context. I said or have intended to say, talking about the very significant improvement and the positive trends.

Senator Merkley. You do believe that lead and arsenic in the water, mercury in the air, particulates in the area are significant problems that need to be improved?

Ms. Hartnett White. At certain exposures.

Senator Merkley. But currently, there is pollution that needs to be reduced?

Ms. Hartnett White. Again, given that I have not been inside.

Senator Merkley. No, no, you are an expert on air quality. Do you believe there is air around the Country that has pollutants that need to be reduced?

Ms. Hartnett White. There are certain areas.

Senator Merkley. Particulates, fine particulates, do you believe that?

Ms. Hartnett White. Different pollutants implicated in different places.

Senator Merkley. Fine particulates, do you believe they need to be reduced?

Ms. Hartnett White. At certain exposures.

Senator Merkley. Coral reefs around the world are dying. Do you consider that an environmental problem?

Ms. Hartnett White. If they were.

Senator Merkley. You said if they were?

Ms. Hartnett White. If they were, I have no knowledge of those issues. I know it is an issue but I have no specific knowledge.

Senator Merkley. Of course, you are not a scuba diver, you haven't gone to the coral reefs yourself but you are asking us to confirm you for an environmental position. When we talked in the office, I raised the issue of coral reefs and you said, "I

am not a scientist." You are not a doctor either but you go to the doctor, right?

Ms. Hartnett White. Right.

Senator Merkley. Scientists are telling us coral reefs are dying and you say, if it is happening. Don't you believe it is happening based on the reports from around the world?

Ms. Hartnett White. I would need to read some statement of that science.

Senator Merkley. Are you familiar with the dramatic drop in ice in the Arctic and the impacts on the environment there?

Ms. Hartnett White. Yes.

Senator Merkley. In that case, you do believe what scientists are reporting?

Ms. Hartnett White. No.

Senator Merkley. You do not believe what scientists are reporting?

Ms. Hartnett White. I need to study and learn and look at that. It is from multiple science.

Senator Merkley. Do you believe the scientists when they talk about the melting permafrost?

Ms. Hartnett White. Yes, but I would like to finish my sentence. I am aware of the shrinking ice sheet in the Arctic but the expanding ice sheet in the Antarctic.

Senator Merkley. Are you familiar with the Red Zone?

Ms. Hartnett White. Red Zone?

Senator Merkley. Red Zone of dying trees?

Ms. Hartnett White. Off coast, right.

Senator Merkley. Yes, dying because pine beetles are doing so much better in warm winters. When you say those who are concerned about global warming are paganists, totalitarianists and Marxists, do you believe Oregon's farmers who are concerned about three worst ever droughts with the impact of climate changes are Marxists or totalitarians or pagans?

Ms. Hartnett White. I believe those words, Senator, with all due respect, have been taken out of context.

Senator Merkley. They are words directly from your writings. How about Oregon's timber workers who are very concerned about the pine beetles killing the forests? Are they pagans because they see the impact of climate change destroying the forests?

Ms. Hartnett White. To answer yes or no, no.

Senator Merkley. No, you don't. Why did you say these things then? It is not just one quote; it is multiple quotes calling environmentalists Marxists and those concerned about climate change as pagans?

Ms. Hartnett White. I think I submitted about 100 pages of either commentaries or research studies I have done in that entire purpose. There may be some mistakes.

Senator Merkley. Here is my summary. Do you believe the planet is getting warmer?

Ms. Hartnett White. Yes.

Senator Merkley. Because it can be measured. Do you believe carbon dioxide levels have gone up dramatically? It can be measured. Scientists measure it every day.

Ms. Hartnett White. No, I would not say they have gone up drastically. I know they have risen from pre-industrial times.

Senator Merkley. They went up from 295 ppm to over 408 ppm and the rate of pollution has gone up from 1 ppm per year to 3 ppm or nearly 2.5 to 3 ppm per year. You are unfamiliar with the details of that?

Ms. Hartnett White. No, I am familiar with those.

Senator Merkley. I have a chart behind me.

Senator Barrasso. We are going to have a second round and your time has expired.

Senator Merkley. Thank you, Mr. Chairman. We will come to those.

Senator Barrasso. Thank you.

We will head to the second round of questions.

Mr. Wheeler, before your time on Capitol Hill, I know you spent time working at the EPA as a career official. This fact caught the attention of my friend, Senator Carper, who said in a recent interview about you, "I think having worked in the

agency, he actually cares about the environment, the air we breathe, the water we drink, and the planet on which we live.”

Can you talk a bit about how your time as a career official with the agency would shape your leadership style as deputy administrator at the EPA?

Mr. Wheeler. I would say my time at the agency, having worked with the career employees there, plus my legislative time here on how laws are drafted, and then my time over the last eight years on how they are implemented, has really helped me understand a better, full picture.

I was very pleased with the work I did at the agency. I worked on the Toxics Release Inventory and the Right-to-Know law, I worked on expanding that. I worked on getting TSCA information out to the public. I won a few awards while I was at the agency.

I understand the power of the data and information that the agency has and the importance of getting that out to the public for people to know about the chemicals released where they live and the impacts that could have on public health and the environment.

I think the time I spent in the Right-to-Know Program at the agency was very formative in my development as an environmental attorney.

Senator Barrasso. Ms. White, different administrations

obviously have different priorities for the CEQ. Could you talk a bit about what you and the Administration you hope to join see as the CEQ's role in formulating environmental policy?

Ms. Hartnett White. Given the two Acts passed not long ago, the highway bills, I always get the acronyms wrong, I recognize a real problem we have with the links of permit time frames, the cost of environmental reviews and impediments they present to urgently needed infrastructure.

I think the infrastructure package, if you will, some of which has been created in new laws, some of which has been expressed in executive orders, most recently the mid-August Executive Order from President Trump about reducing permit time frames with quite a bit of detail, this could well be a time, and I would welcome the challenge to make very significant changes in environmental review, mostly to shorten the process, reduce the cost and uncertainty, duplication and all those things.

I think that is not a small task. Lots of people have tried to do similar things in different Administrations. It is really hard to change the way agencies operate to move the ball forward but I think that would be very important and could be of historical importance.

It takes 50 permits, 9 years and \$7 billion and then the investors withdraw from the project. We are in trouble in this

Country if we cannot permit needed infrastructure in a timely manner.

Senator Barrasso. Thank you.

Mr. Wheeler, during your over 25-year career, you have had an opportunity to work on environmental issues impacting lots of different areas of the Country. Senator Boozman asked you about rural communities and you talked about all the time driving around in rural areas.

Can you talk a bit about how you will work to ensure that the EPA treats rural States, like my home State of Wyoming, fairly and equitably when developing and enforcing environmental policies?

Mr. Wheeler. Absolutely. First, I would say everyone I met in rural areas of our Country cared deeply about the environment where they live. In fact, they are some of the best stewards of the environment we have.

Again, working with Administrator Pruitt on his cooperative federalism, working with the States, working with the local governments, I think is vital to going forward and making sure that everyone understands the need to protect the environment and what are the requirements from the EPA so we can work together.

Senator Barrasso. Senator Merkley.

Senator Merkley. Thank you, Mr. Chairman.

Ms. White, I was about to show you a chart which I will show you now. That chart shows the information that has come from the fourth National Climate Assessment put forward by the Trump Administration, by the combined work of the EPA, NOAA, the Department of Energy and several other agencies within the government.

It shows their estimate of the best work of their scientists of the impact of human activity versus natural activity on climate change or climate disruption. Can you see that okay?

Ms. Hartnett White. Yes.

Senator Merkley. The first red column is a human-caused impact from the Trump Administration's EPA and fellow agency report; solar flare activity which is often raised; and volcanic activity, which is often raised. Which of these bars, the red, orange or the green, is the highest?

Ms. Hartnett White. Obviously, the red.

Senator Merkley. The red, the human-caused activity. Is it dramatically different from the impact of solar-caused activity?

Ms. Hartnett White. Could you briefly summarize what methodology was used to measure that increment of human activity?

Senator Merkley. Yes, I can, but as an expert on the

atmosphere, I would think you actually have a better command of that. The scientists looked at the carbon dioxide and its impact on raising temperatures and how much was created by volcanic activity or how much temperature indirectly was caused by solar activity, solar flares and so forth and then human activity.

The primary function, there are some other global warming gases and I am sure you are familiar, but the primary activity is the burning of fossil fuels and the production of carbon dioxide. Is there a dramatic difference between the human-caused impact and the solar impact?

Ms. Hartnett White. Yes.

Senator Merkley. I know you said before you are not a scientist but this is the Trump Administration's report. Do you accept the results of this report?

Ms. Hartnett White. I view this report really as the product of the past Administration and not of the present. It was, I think, up for a certain draft of it before.

Senator Merkley. When you told me that you would look to the scientists for insight and the scientists produced these numbers, you are now rejecting them?

Ms. Hartnett White. There are all different types. There are many differences, a credible difference of opinion among climate scientists.

Senator Merkley. This is the combined work of the Administration released by the Trump Administration that you are asking to work for but you are rejecting their findings?

Ms. Hartnett White. I think we need more of a precise explanation of the role of the human contribution.

Senator Merkley. Mr. Wheeler, how about you? Do you reject the findings of the Trump Administration scientists?

Mr. Wheeler. No, I do not reject it, Senator. I believe, though, the report issued on Friday was put out for notice and comment. I would not want to prejudge anything. I agree with you that the red bar is much higher than the other two.

Senator Merkley. Does that generally reflect your understanding of the impact of human activity versus solar or volcanic activity?

Mr. Wheeler. Looking at this chart, it appears that human causes is much greater. Again, I don't want to go too much into the report since it is open for notice and comment at this point.

Senator Merkley. Does that generally reflect your viewpoint or is this radically different than your viewpoint?

Mr. Wheeler. I would have to look at the information.

Senator Merkley. I know but I am asking about your viewpoint. Do you believe human activity is driving the temperature increases on the planet?

Mr. Wheeler. I believe man has an impact on the climate but what is not completely understood is what the impact is.

Senator Merkley. You don't accept, if you will, the general finding of the Trump Administration scientists that it is dramatically more the impact of human activity than solar or volcanic activity? You are not sure of that?

Mr. Wheeler. I have not read the report yet. Since it is open for notice and comment at this point, I don't think I should comment.

Senator Merkley. No, there are many other sources for this information.

Mr. Wheeler, you have been working as a lobbyist for a company, for a private company?

Mr. Wheeler. A number of different companies.

Senator Merkley. Yes, sir, but significant activity on behalf of the coal industry. You were shown the secret three-page plan on how to destroy the EPA when you were lobbying for them.

When candidate Trump said he was going to drain the swamp, did he mean to take the lobbyists and put them in charge of policy? Is that what he meant by "drain the swamp"?

Mr. Wheeler. First of all, I believe there are a number of lobbyists that worked in the Obama Administration.

Senator Merkley. I am not asking about the Obama

Administration; I am asking about candidate Trump's argument that he is going to "drain the swamp" and get rid of the powerful special interests and the lobbyists running things. Is that what you think he meant by that? Or, what did he mean by that?

Mr. Wheeler. I am not sure what he meant by that.

Senator Merkley. My time is up but I do think there is quite a contrast in that. I do think when the Trump Administration's scientists put out this information, boy, it bears paying attention to it.

Ms. White, you said you are going to look to what the scientists say. This is what they say and yet you reject it. I don't see how that makes you possibly qualified to serve in this capacity.

Thank you.

Senator Barrasso. Thank you, Senator Merkley.

I would point out for the record, a story dated November 2, 2017, an op-ed in the Wall Street Journal under the headline, A Deceptive New Report on Climate. This is by Dr. Steven E. Koonin who had served as the Under Secretary of Energy for Science in the Obama Administration.

He goes on in his op-ed to report "The world's response to climate changing under natural and human influences is best founded upon a complete portrayal of the science. The U.S.

Government's Climate Science Special Report does not provide that foundation." Instead, he goes on to say, "It reinforces alarm with incomplete information and highlights the need for more rigorous review of climate assessments."

I would ask unanimous consent that this be entered in the record. Without objection, it is done so.

[The referenced information follows:]

Senator Barrasso. Senator Capito.

Senator Capito. Thank you, Mr. Chairman.

I would like to thank both our witnesses today.

Ms. White, I will start with you. Let me start by apologizing in not getting here earlier. I was over on Commerce where we were having another hearing, so I did not get to hear your statement and the questions. If this has been asked before, I apologize.

We have had, over the last several years, particularly during the last Administration, a real battle between State regulators and the EPA and the policies emanating from the White House with a lot of our State regulators suing in court, adding comments to potential court decisions in opposition to the direction the Administration was going, some successful, some not. Then somewhere the State regulators would be invited in to help craft a decision and then basically being ignored when they would weigh in.

Where do you see the cooperation between the State and what your office of Environmental Quality would do and how you might be able to bridge some of those bridges that have been burned over the last several years?

Ms. Hartnett White. As I understand it, CEQ has been used as an entity that can convene local agencies, State agencies, and federal agencies and try to coordinate and resolve conflict.

I actually think that process, which CEQ has used, I don't know whether it has ever been done on a State-federal authority issue, but I think there has been some meaningful use of the convening story of CEQ.

On the other hand, we are still at the beginning of this Administration, challenging decisions from the last Administration which some construe as maybe assisting the agency in reforming the agenda.

Senator Capito. Thank you.

Mr. Wheeler, I was very pleased to see that the EPA announced their hearings on the clean power plan. I think one of the first, if not the first, meeting is to be convened in Charleston, West Virginia, my hometown and obviously in the heart of coal country in the State of West Virginia and that region.

For the last years, from this dais, I have asked that our voices be heard at the EPA. The last time they went around the Country, the closest we could get them was Pittsburgh but they could go to San Francisco, Boston, Chicago and cities that might not be quite so friendly or have the same voice.

I would like to ask you, in the position you would assume at EPA, to keep all voices at the table. I would not advocate that you only come to coal country to talk about coal. You have to go everywhere.

I would say to Administrator Pruitt, thank you for that, for being willing to come and listen. It is going to be a rollicking hearing, I can tell you that. I would like to know your perspective on that because I know you have done some work in the coal area and how you perceive that.

Mr. Wheeler. Thank you, Senator.

As you know, my family is from West Virginia. I go there every year so if you would like me to come to West Virginia, I will be there next June, the third weekend in June, I know for sure.

I think it is important for EPA to get out and meet with the people, particularly those they are regulating. I am glad one of the first meetings will be in Charleston, West Virginia. I think it is a sign that Administrator Pruitt means what he says when he wants to work with the States and the communities. I look forward to working with him going forward.

Thank you.

Senator Capito. Thank you.

Let me ask you this. I know you are familiar with the bureaucracies. I noticed in your statement, in terms of EPA, that you did take some time to appreciate the long-term service of many people in EPA and many of the hard workers. I think we have a tendency to think all the bureaucrats are just running amuck.

How do you see that in terms of EPA, in terms of the power more bureaucratic people have over the political winds that change every eight years or how do you bridge that gap?

Mr. Wheeler. I do think the career employees at the agency are very dedicated. I think you go to work at the EPA because you are concerned about the environment. I applaud them for their work and what they have done.

My criticisms in the past have been directed at some of the political people at the agency and not the career people. I am looking forward to returning to the agency to work with them again.

Senator Capito. Thank you.

Senator Barrasso. Thank you, Senator Capito.

Senator Carper.

Senator Carper. Mr. Wheeler, I spent a little time in the Boy Scouts, raised a couple of boys, as the Chairman said here, who became Eagles and learned a lot from it. When I was a Scout growing up in Virginia, we would go on camping trips. We took our own sons and their Scout troop on any number of those over the years.

I have here the Scout laws. A scout is trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent. I don't know you well enough to know if you measure up on all of those. I would like to think I do

and my colleagues and I do. I hope we do but it is a high standard to set.

One of the things we always tried to teach our Scouts was that we had an obligation to this planet. It was given to us by God. We are its stewards and we have a moral obligation to turn it over from one generation to the next in as good shape or maybe better shape. How do you feel about that?

Mr. Wheeler. I completely agree with you, sir. I was saying them, while you were saying them, quietly to myself. I try to live up to those ideals of scouting every day of my life. I agree with you that we have a responsibility in the stewardship of the planet to leave it in better shape than we found it for our children, grandchildren and nephews.

Senator Carper. It is possible to actually make the actually make the air and water cleaner, preserve our natural resources and do so in a way that does not diminish jobs or employment but actually enhances it. You know how much I loved George Voinovich and his bride. We were governors together and Senators here for many years.

Now the Republican banner on the Diesel Emissions Reduction Act is carried by Senator Inhofe. I will never forget the day George Voinovich came to me and said, we have all these diesel emissions. The great thing about diesel engines is they last a long time; the bad thing is they last a long time and the older

ones are terribly polluting.

We can actually use American technology to clean up the emissions and do so in a cost-effective way and get a lot of partners involved and not only create jobs but tens of thousands of jobs. We can also use American technology and export the technology across the world. I hold that out as an example of the way we ought to work and work together for the common good.

I want to talk with Mr. Wheeler about EPA employees breaking the law. Ms. White served on the Texas Commission on Environmental Quality. The commission staff was told to under report the levels of radiation in drinking water, violating the EPA's rules. She later defended these actions telling the reporter, "We did not believe the science of health effects justified EPA setting the standard where they did."

I would just ask, Mr. Wheeler, do you agree it is appropriate or inappropriate to direct staff to violate federal law, regulations or reporting requirements?

Mr. Wheeler. I am not sure where the quote came from and what Ms. White would say about that quote today. I do not think it is appropriate to direct staff to ignore laws, no.

Senator Carper. In our personal meeting, you noted that you were once an EPA career official.

Mr. Wheeler. Yes.

Senator Carper. During your time there, you found the EPA

career staff are dedicated employees who want to make a difference with their lives on behalf of other people on the planet on which we live. In materials you submitted for the record, you also stated "If I am confirmed, I hope to earn their respect."

My question is, do you agree that censoring, disregarding or excluding career staff views would actually earn their respect? Would you describe some steps you plan to take, if you are confirmed, to improve the manner in which EPA career staff is respected in a way that shows them respect?

Mr. Wheeler. I will turn to the career staff and ask their advice and listen to them. I think I have to best answer that question by saying they will see it in my daily actions, how I interact with them and how I go forward with them.

Senator Carper. I have one last one, if I can, Ms. White.

In congressional testimony and articles, you have referred to EPA employees as "federal mandarins brandishing their scientific credentials," as "federal mandarins brandishing their scientific credentials." Those words suggest you may not agree with Mr. Wheeler that EPA career staff are dedicated employees who want to make a difference in the environment.

I always try to treat other people the way I want to be treated. What would cause you to describe people like Andy Wheeler, when he was working at the EPA, as a federal mandarin

brandishing scientific credentials? What would make you talk that way about him?

Ms. Hartnett White. A rather exaggerated way to reflect the anger that I see in people and the amount of power that federal employees have garnered as opposed to all of you, our Congress, that is where that came from.

Senator Carper. I am sorry, my time has expired. Thank you.

Mr. Chairman, I have one last unanimous consent request to submit additional materials for the record pertaining to Ms. White's views on public health and the environment that would include a letter from 56 members of the House, parties to the nomination and a letter signed by many environmental organizations who also oppose her nomination. I ask unanimous consent.

Senator Barrasso. Thank you.

Also, Carol Baker with the Texas Water Foundation, President and CEO, stated this, "Ms. White is a committed public servant, has been a wonderful advocate on behalf of water issues for decades in her role as Chair of the Texas Commission on Environmental Quality. Was a champion on natural resource issues and admired for her commitment and tenacity. She is very collaborative and always interested in listening to all the details on the issues and a great team leader. I highly

recommend and support this very qualified candidate, Kathleen Harnett White.”

I ask unanimous consent that we introduce that.

[The referenced information follows:]

Senator Barrasso. Let us turn to Senator Inhofe.

It seemed you were trying to answer something. If it is all right with Senator Inhofe, I would like to give you a chance to respond.

Ms. Hartnett White. Yes, I was. I understood his question was about an issue of naturally occurring radionuclides in soil and as characterized, that somehow, I or another CEQ employee was telling field staff don't show the extent of the problem, just mute it back a little bit. Evidently EPA was claiming that.

This is one of these technical issues, about technical issues and interpretative guidance with EPA. I would never, ever tell staff to under report health hazards. That is the only statement I wanted to make. Health hazards like this need to be addressed ASAP.

Senator Barrasso. Senator Inhofe.

Senator Inhofe. Thank you, Mr. Chairman.

Let me make one comment. Since all they want to talk about on the other side is global warming, it is kind of interesting. Someone pretty smart on the other side, back when they were talking, and their whole concept was the world is coming to an end and it is due to anthropogenic gases. Do you remember that, Mr. Wheeler?

Mr. Wheeler. Yes, sir.

Senator Inhofe. We heard it over and over again, but it did not sell. The people did not buy it so they changed it and started using climate change. Climates always change. In fact, we voted unanimously that everyone agrees that climate has always and always will change. In all the historical, scientific, and scriptural evidence, that is a fact.

That gives the opportunity to say anyone who does not believe the world is coming to an end because of global warming does not believe that climate changes. Very clever. I don't have any reason for saying that but somebody has to say it.

Besides that, when they talk about all the scientific evidence, Richard Lindzen is a good example. Richard Lindzen with MIT is recognized as one of the top scientists in the Country on this and other subjects.

I don't have the whole quote written down but I think I have it memorized. He said, "Regulating carbon is a bureaucrat's dream. If you regulate carbon, you regulate life." Have you ever heard that quote, Mr. Wheeler?

Mr. Wheeler. Yes, sir, I have heard you say that many times.

Senator Inhofe. I would also like to have you address one other thing. There is this idea out there that somehow in taking care of your own land, for example, that the government needs to do it for you.

You might recall that during the past Administration, I don't remember his name but I had asked him to come out and talk to our farmers in Oklahoma to determine whether or not he really thinks we need to have them looking after the environment on their own property. They came back with a report. This came from several places in Oklahoma that they had never seen such enthusiastic support by the owners of the land that was far greater than anything they had ever heard from the bureaucracy. Do you remember that?

Mr. Wheeler. I do, sir, yes.

Senator Inhofe. I think that is really worth talking about.

I know we are kind of coming to a close but the other side of the dais has been focusing on your writings, Ms. White, as a private citizen and have been furthering the myth that you have helped polluters get away from polluting while at the Texas Commission CEQ.

I want to show them that while you were at the Texas Commission CEQ, the Texas air quality dramatically improved. What role did you play in that result?

Ms. Hartnett White. As the chairman, it all circled around the State implementation plan that states, those who have non-attainment areas must submit to EPA. Like a lot of government documents, it is not ten pages; it is six volumes and thousands

of pages.

I was the chairman so that was the most important issue in the entire agency. I think you could generally say I was directing the team that was developing the full State implementation plan which is, like I said, a huge document with reams of things people might call science or technical analysis, control measures and all kinds of things.

It was through really implementing that plan that the dramatic reduction, not just in ozone which is not a directly emitted pollutant, but also other pollutants that as a result of the measures addressing ozone, we had beneficial impact on other pollutants.

Senator Inhofe. The bottom line is, in looking at this, you have been very successful in accomplishing those things for the Texas CEQ.

Ms. Hartnett White. Yes.

Senator Inhofe. Is there any reason you believe you would not be equally successful in performing some of those results?

Ms. Hartnett White. No. That is why I would be so delighted were I nominated to take on this job at CEQ within a different framework than a regulatory agency but lots of the same issues.

Senator Inhofe. Thank you, Ms. White.

Senator Barrasso. Senator Whitehouse.

Senator Whitehouse. Mr. Wheeler, there has been a recent request by Secretary Perry to the Federal Energy Regulatory Commission to provide certain regulatory favors, to provide regulatory priority to, among other things, coal plants.

To your knowledge, was either Mr. Murray or Murray Energy involved in making a recommendation of any kind to Secretary Perry on that subject? Were you personally involved in any way in any activities that led up to Secretary Perry's request to the Federal Energy Regulatory Commission?

Mr. Wheeler. Certainly, Murray Energy has been supportive of that effort. I did attend a meeting with Murray Energy at the Department of Energy where this was discussed months ago but I de-registered in August. I have not been involved in anything over the last few months on this issue. This issue has been front and center.

Senator Whitehouse. Was your participation in the preparation for the Perry request, if we call it that, is that a fair enough description? Do you know what I am talking about if I say the Perry request?

Mr. Wheeler. I think I know what you mean. I did not work on putting that together. As I said, I was in a meeting at the Department of Energy.

Senator Whitehouse. Was that the limit of your participation in that, to attend one meeting at the Department

of Energy?

Mr. Wheeler. I also believe I attended one Hill meeting on that as well.

Senator Whitehouse. One meeting on the Hill, one meeting at the Department of Energy, and nothing further, no memos that you authored, no paper trail, nothing else?

Mr. Wheeler. No, sir.

Senator Whitehouse. Ms. Harnett White, I went down to Texas. I go to a lot of States to try to figure out what is going on there in terms of climate change. I had a scientific panel with scientists from the University of Texas at Austin; from Texas Tech, and Katherine Hayhoe, who I am still somewhat in touch with, who is by the way, not pagan, she is evangelical; Texas A&M, the Aggies, were present; and Rice University.

They said that Texas was in harm's way from climate change on a whole variety of fronts, including sea level rise along the coastline and so forth. They were pretty much in unanimous agreement with each other about what was going on.

They also said they were unaware of any support in their universities for some counter science in which this isn't really happening.

Have you been in touch with any of those universities about climate change and about what it means for Texas? Is there any record of your contact with those universities?

Ms. Hartnett White. I don't know whether there would be any records but over the years, attending a conference or a panel or that sort of thing.

Senator Whitehouse. Do you know how much of the excess heat that has been captured by greenhouse gas emissions has been absorbed by the oceans, roughly, say to the nearest 10 percent?

Ms. Hartnett White. I do not have numbers like that.

Senator Whitehouse. Even to the nearest 10 percent? Do you know if it is more than 50 percent or less than 50 percent?

Ms. Hartnett White. I am sorry, but could you ask the question one more time?

Senator Whitehouse. Of the additional heat that has been captured in the atmosphere as a result of greenhouse gas emissions, do you know how much of that excess has been captured in the ocean? Is it more or less than 50 percent? Do you even know that?

Ms. Hartnett White. No.

Senator Whitehouse. No. Okay.

Ms. Hartnett White. But I believe there are differences of opinions on that but there is not one right answer.

Senator Whitehouse. Really? Do you think there is actual serious difference of opinion whether it is below 50 percent?

Ms. Hartnett White. Unless I am mistaken, yes.

Senator Whitehouse. You think there is serious difference

of opinions as to how much of that has been captured by the ocean? You think there is serious scientific opinion that it is below 50 percent?

Ms. Hartnett White. Yes, unless I am mistaken. Yes.

Senator Whitehouse. Okay, wow. Do you think if the ocean warms, it expands? Does the law of thermal expansion apply to sea water?

Ms. Hartnett White. Again, I do not have any kind of expertise or even much layman study of the ocean dynamics and climate change issues.

Senator Whitehouse. Just enough to know that you think there is not science that establishes clearly how much of the heat has been taken up by the oceans? You knew that, right? You said you knew that.

My time has expired. I am sorry. I hear the gavel knocking.

Senator Barrasso. Thank you, Senator Whitehouse.

Senator Sullivan.

Senator Carper. Could I ask for one unanimous consent before Senator Sullivan?

Senator Barrasso. Yes.

Senator Carper. I would submit for the record statements Ms. White made in February of this year on a panel hosted by the CO2 Coalition, an organization that promotes misinformation

about climate change.

The Coalition claims "Climate policies deprive mankind of the benefits of carbon dioxide." Ms. White stated the CO2 Coalition is "a very, very meaningful source."

Thanks very much.

Senator Barrasso. Without objection, so ordered.

[The referenced information follows:]

Senator Barrasso. Brandy Marty Marquez, a commissioner of the Public Utility Commission of Texas, has written in support of Ms. White's nomination. Ms. Marquez has said "Ms. White brings a wealth of environmental regulatory experience and her record reflects her commitment to genuine environmental protection."

I ask unanimous consent as well that this be entered in the record. Without objection, so ordered.

[The referenced information follows:]

Senator Barrasso. Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman.

I appreciate the witnesses being here and your willingness to serve.

Mr. Wheeler, I appreciated your highlighting some of Administrator Pruitt's testimony during his confirmation hearing about we are a Nation of laws, the rule of law, and cooperative federalism. I think those are all very important issues. I want to kind of drill down on those a bit today.

I think it is also important to recognize. Sometimes you do not always get it from this committee, but we all are very focused on clean water and clean air. My State of Alaska and my hometown of Anchorage has some of the cleanest water and gets awards. My State has the most pristine, beautiful and incredible environment probably in the world. We care about it deeply.

We also care about the rule of law. To be perfectly blunt, I think the last Administrator in the previous Administration was not that concerned about the rule of law. Let me give you a quote from the previous Administration.

A senior official once stated of a major EPA rule on the eve of a big Supreme Court case that when asked whether you think you are going to win or lose in the Supreme Court on this rule they promulgated, this individual said, it didn't matter if

it was unlawful because the rule was finalized three years ago and "most of the covered parties are already in compliance and investments have been made."

Does that sound like the attitude of somebody or an agency that cares about the rule of law?

Mr. Wheeler. No, it does not, sir.

Senator Sullivan. That was Gina McCarthy. That was one of numerous, numerous occasions where she and her team ignored the rule of law. In one of her hearings, I called her running a lawless agency because they did this all the time.

The Clean Power Plan gets a lot of play in the press. Do you have any idea why the U.S. Supreme Court put a stay on the Clean Power Plan, the first time in U.S. Supreme Court history, that they had done that to a rule from a federal agency that had not been looked at by a lower court? Do you have any sense of why the Supreme Court did that?

Mr. Wheeler. It is my understanding the Supreme Court, as you said it was the first time for an environmental statute, but the only time they would issue a stay like that would be if they thought the proponents would prevail on the arguments.

Senator Sullivan. I think the Supreme Court saw it as a quote from the EPA Administrator who said, look, we don't care. Investments have been made. These poor idiot Americans who complied with it, too bad. I think the Supreme Court was

saying, that is not the rule of law.

I need from you a commitment that you won't do that, whether you like a policy or not. If the Congress of the United States does not give you, as the federal agency, the authority to undertake some kind of action, will you commit to this committee that you won't undertake that kind of action?

Mr. Wheeler. Absolutely, sir.

Senator Sullivan. Do you need statutory authority to undertake rules and regulations that derive from this body?

Mr. Wheeler. Absolutely. From my time working at EPA and my time working here, I understand where the laws are made and whose job it is to implement them. It is not the duty of the EPA to write the laws.

Senator Sullivan. Okay. We would hope you and Administrator Pruitt would never make a statement such as that by Gina McCarthy which showed complete disrespect for the rule of law and really for the Congress, in my view. Can I get your commitment on that?

Mr. Wheeler. Absolutely, sir, yes.

Senator Sullivan.

Mr. Wheeler. Let me ask about another issue. You and I have talked about this. It relates to an issue back in my State that we worked on in a bipartisan way on this committee in the last Congress. Chairman Inhofe, Senator Boxer, I and others

worked on a challenge we have with regard to water and sewer infrastructure.

There was a lot of talk about aging infrastructure during the Flint, Michigan crisis. I was trying to raise the fact that there are communities in America which have no infrastructure, not just aging infrastructure.

In my State, Alaska has over 30 communities where people do not have water and sewer, where they do not have flushing toilets. These are American citizens. We worked in a bipartisan way to address that.

I was very disappointed to see the Trump Administration did not fund that because no American citizen should live in a community where you do not have a flushing toilet. We have what is called honey buckets where you have to take raw sewage out to a lagoon. We have rates of diseases in some of these communities that are higher, like in third world countries.

This is a program that passed the Congress on a bipartisan basis as part of the WIIN Act. Can get your commitment, if we get the appropriate funding, that the EPA, at the highest levels, will be committed 110 percent to addressing what is really a travesty? It is not just in Alaska; there are a few other States that have this problem but this problem mostly resides in my State. We talked about it when you and I met. Can I get your commitment on that as well?

Mr. Wheeler. Yes, sir. I will even go as far as to say 120 percent.

Senator Sullivan. Great. I appreciate that.

Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Sullivan.

Senator Duckworth.

Senator Duckworth. Thank you, Chairman Barrasso.

Ms. Harnett White, thank you for coming to my office for our meeting. I appreciate the time.

During our meeting, you stated you do not have ties to the oil industry. It has been a long time for the renewable fuel standards and other environmental programs which I, and many of my constituents, support.

In fact, when I did a bit more research, I found that you reportedly actually own several oil leases, one of which is leased to CVR Refining. CVR Refining is owned by Carl Icahn who recently resigned from his role as advisor to President Trump amid very well publicized concerns that he used his position in the Administration to influence a proposal to change the point of obligation under the RFS. This change would benefit Mr. Icahn's own financial interests. I have called on the FBI to investigate this very clear violation of conflict of interest laws.

Let me ask, have you ever spoken to Carl Icahn regarding

the RFS?

Ms. Hartnett White. No, I have not.

Senator Duckworth. Do you intend to sell any of your current leases, specifically the one leased to Carl Icahn's CVR Refining?

Ms. Hartnett White. I already assigned those mineral interests by gift to my nephew. I do not own any mineral interests. My great grandfather, in several counties in Texas, had some modest royalty interests.

Senator Duckworth. But you gained financially from leasing these interests to Mr. Icahn? You made money off it, right? You got a return by leasing the oil leases to CVR Refining?

Ms. Hartnett White. Like I said, these are de minimis royalty payments for royalties in some agricultural counties in Kansas that I do not own anymore. My nephew does.

Senator Duckworth. When did that happen?

Ms. Hartnett White. I don't know, about six months ago or so.

Senator Duckworth. When it became clear that you wanted this job?

Ms. Hartnett White. Yes.

Senator Duckworth. You made money but you told me you did not have any history.

Ms. Hartnett White. I don't own them.

Senator Duckworth. Fairly recently.

Ms. Hartnett White. They are like oil leases where some months you get \$30.

Senator Duckworth. Thirty dollars is a lot of money to some families.

Ms. Hartnett White. I am sure it is.

Senator Duckworth. During our meeting, in countless articles and talks you have given over the years, you repeatedly claim that ethanol reduces grain supply and increases the cost of food.

As someone who relied on food stamps as a child and who represents thousands of farmers in my home State, I am deeply invested in ensuring access, affordability and quality food is available to everyone in the Country and around the world.

Yes or no, are you aware that today ethanol production has increased to at least 15 billion gallons?

Ms. Hartnett White. I have.

Senator Duckworth. And that the price of corn is lower than it was when the RFS was adopted and that food prices are actually in the longest decline since the 2009 recession?

Ms. Hartnett White. I very recently have had access, thanks to Senator Fischer; because of that, have had lots of information on that. I can say God bless productive U.S. agriculture, there is a lot of corn supply.

Senator Duckworth. Since RFS has been installed, do you agree, yes or no, that even since then, food prices are not higher and that what you have said, in fact, has turned out to not be true, that food prices would be higher because of implementation of the RFS?

Ms. Hartnett White. If I understand your question, yes, you are right.

Senator Duckworth. Mr. Chairman, I would like to ask unanimous consent to submit for the record, materials relating to Ms. White's views that the Renewal Fuel Standard is unethical and should be repealed.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Duckworth. Thank you.

I would also like to submit for the record a World Bank report that attributes changes in the price of food to the price of oil, not the RFS.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Duckworth. Thank you, Mr. Chairman.

In 2014, Ms. White, you wrote, "Using a vitally needed global food grain such as corn for the transportation fuel known as ethanol literally takes food from the mouths of hungry millions." You reiterated this claim in your meeting with me.

Can you give me an example of a case where food was literally taken from the mouths of millions and diverted to ethanol production?

Ms. Hartnett White. If you mean it literally.

Senator Duckworth. You said literally. That was your choice of words.

Ms. Hartnett White. Then I was just wrong. I was searching for the words figuratively.

Senator Duckworth. We agree that you were wrong on RFS. You actually wrote this, so I would assume you proofread your documents before they were published.

Beyond bashing the RFS inaccurately, can you describe any work you have done individually to advocate for ending hunger because you seem to be very concerned about hunger and the RFS' potential effect on world hunger? What have you done to advocate for ending hunger?

Ms. Hartnett White. I have contributed donations. A lot of my work, I find, is really about human welfare.

Senator Duckworth. Can you give me a concrete example of

how you have worked to end hunger?

Ms. Hartnett White. I don't have a concrete example.

Senator Duckworth. So this was a nonsense thing to say essentially? Over the years, you have made many outrageous statements that you are clearly trying to walk away from today. One thing is clear, you would not be the impartial counselor we need in this Administration and we would expect from our civil servants.

I also would like to take my remaining time to clarify.

Senator Barrasso. You have no remaining time.

Senator Duckworth. I am so sorry. May I ask one final question?

Senator Barrasso. Please go ahead.

Senator Duckworth. Thank you, Mr. Chairman. You are very indulgent.

Can you clarify your answer to Senator Fischer? It sounded like you would not commit to following the law by ensuring the RFS goes to 2022 and that there are biofuel volumes. Of course, there are biofuel volume requirements beyond that date. Is that correct?

Ms. Hartnett White. I don't think that is quite correct.

Senator Duckworth. So you are saying that you are committed to following the law to ensure the RFS goes through 2022? What I thought you said was that if the President wanted

to renege on those, he could.

Ms. Hartnett White. No, I didn't.

Senator Duckworth. Will you commit to opposing any attempts of the Administration to not adhere to the RFS through 2022?

Ms. Hartnett White. As I said, I would uphold the spirit and the letter of the law and that CEQ has no direct regulatory authority or even opinion that I think would carry any kind of legal weight.

Senator Duckworth. Again, it is very simple. Yes or no, do you commit to ensuring that the RFS goes through 2022 by resisting, even by something as simple as publicly stating that you would oppose the Trump Administration should they choose to try to go against the letter or the spirit of the law?

Ms. Hartnett White. I will repeat again that all law, not just the law that supports the Renewable Fuel Standard. I would uphold all law, the letter and the spirit.

Senator Duckworth. I am going to hold you to that. Thank you.

Thank you, Mr. Chairman. You have been very generous.

Senator Barrasso. Senator Carper, closing thoughts?

Senator Carper. Mr. Chairman, I have one last unanimous request.

Before I do that, Mr. Wheeler, I don't know if you were

with me and maybe George Voinovich in a meeting we held in my office, 513 Hart, maybe 10 or 12 years ago. We met with a number of utility CEOs from all over the Country.

They had come to meet with us to talk about emissions from power plants. Our focus was sulfur dioxide emissions, nitrous oxide, mercury and CO2. We talked about an hour.

A fellow from a utility I think from the southern part of the Country, sort of a curmudgeon of an old guy, at the end of the meeting, he said, Senator, here is what you need to do. You need to tell us what the rules are going to be, give us a reasonable amount of time, give us some flexibility and get out of the way. That is what he said.

I thought it was pretty good advice and that is what we tried to follow when President Bush proposed Clear Skies. Lamar Alexander and I proposed a counter response, Really Clear Skies. We got some pretty good advice that day.

There have been some comments here today about the Clean Power Plan. My recollection is the last Administration took comments for not just a couple weeks or a couple of months but for the better part of half a year, more than half a year.

They met with over 400 stakeholders from sea to shining sea, received and tried to respond and I think they said they did respond to over 1 million comments. Eighty-seven percent of the comments they had on the proposal was actually supportive.

They reviewed more than 1,200 scientific reports.

When I hear that, I think of that meeting we had with those utility CEOs where they said, tell us what the rules are going to be, give us a reasonable amount of time, some flexibility and get out of the way.

We will see how it shakes out in the end. I did not want to let it go by without saying, I believe the folks who are actually doing the outreach try to do so in a thoughtful way and to try to respond to comments they heard.

I want to thank you all for being here. I don't know if it has been a pleasure for you but it has been an informative hearing. We are grateful you are here.

I want to say what is this young man's name over your left shoulder? Luke, the force is with you. I want to say how old are you, Luke?

Mr. Luke Wheeler. Ten.

Senator Carper. I would never have brought my sons in here when they were ten. I am impressed with the way you have handled yourself today. When Mr. Wheeler was speaking, a couple of times I was watching you. I could barely see your lips moving when he spoke, from the mouth of babes.

I have a unanimous consent request to submit materials for the record about the drinking water radiation matters and Ms. White's involvement in those, if I could. Thank you.

Senator Barrasso. Without objection, so ordered.

[The referenced information follows:]

Senator Barrasso. I would also like to submit for the record a number of letters supporting both Ms. White and Mr. Wheeler, including a letter of support for Mr. Wheeler from the United Mine Workers of America. Without objection, so ordered.

[The referenced information follows:]

Senator Barrasso. Members may submit other questions and follow-up written questions for the record. They can do that by Monday, November 13 at noon. The nominees will please respond to those questions by Monday, November 20 at noon.

I want to thank the nominees and congratulate you both on your nomination.

With that, this hearing is adjourned.

[Whereupon, at 12:39 p.m., the committee was adjourned.]