

Statement of Andrew Wheeler
Nominated to be Administrator,
U.S. Environmental Protection Agency
January 16th, 2019

Good morning, Mr. Chairman, Ranking Member Carper, and members of the committee.

I am humbled and grateful that President Trump has nominated me for the position of Administrator of the Environmental Protection Agency. If confirmed, it would be a true honor to lead the Agency where I began my career over 20 years ago.

There is no more important responsibility than protecting human health and the environment. It is a responsibility I take very seriously.

Since becoming Acting Administrator, I have focused our efforts on providing greater certainty to the American public: certainty in our EPA programs; certainty to the states, tribes, and local governments; and certainty on how we communicate risk.

Personally, I have also worked to provide more certainty to Congress. Immediately after becoming Acting Administrator, I reached out to the chairs and ranking members of our authorizing and appropriating committees in both the House and the Senate. I have met in person or by phone with many of you on specific issues of concern, and I will always make myself available.

The American public have a right to know the truth about the health risks they face in their daily lives and how we are responding. It is our responsibility to explain it to them clearly and consistently. That includes recognizing the progress we have made as a nation and where more progress still needs to be made.

From 1970 to 2017, U.S. criteria air pollution fell by 73 percent while the economy grew over 260 percent. In addition, we are ranked number one in the world for access to safe drinking water.

At the same time, we are advancing the President's regulatory reform agenda. In 2018, EPA finalized 13 major deregulatory actions, saving Americans roughly \$1.8 billion in regulatory costs. To date, under President Trump, EPA has finalized 33 major deregulatory actions saving Americans almost \$2 billion.

The U.S. is the gold standard for environmental progress. Yet, there are Americans who have not shared in this progress.

It is these Americans that President Trump and his administration are focused on – Americans without access to safe drinking water or Americans living on or near hazardous sites, often unaware of the health risks they and their families face. Many of these sites have languished for years, even decades.

How can these Americans prosper if they cannot live, learn, or work in healthy environments? The answer is simple. They cannot. President Trump understands this. And that is why he is focused on putting Americans first.

There may be no better example than our success in the Superfund program. In Fiscal Year 2018, EPA deleted all or part of 22 sites from the National Priorities List, the largest number of deletions in one year since Fiscal Year 2005.

And we are in the process of cleaning up some of the nation's largest, most complex sites and returning them to productive use.

This past summer, I visited the Anaconda and Butte sites in Montana – the first visit by the head of EPA in nearly 20 years. We are finalizing cleanup plans that will return these lands back to productive use, an action which has literally been stymied for decades.

This past September, EPA issued a Record of Decision requiring removal of the worst contaminated sediment, including mercury and PCBs, at the Berry's Creek site in New Jersey. The selected remedy is an interim step, while we work to issue a final plan where the legally responsible parties would conduct and pay for a \$300 million cleanup with oversight by EPA.

One of the sites on the Administrator's Emphasis List for immediate action is the U.S. Smelter and Lead Refinery site in East Chicago. By prioritizing this site, we were able to issue a proposed \$25 million cleanup plan that will address lead-contaminated soil in Zone 1 of the site.

Looking ahead, we will expand on our efforts in 2019 by working with the Department of Defense to revitalize former defense properties.

These achievements will directly improve the lives of those who reside near these sites – most often low-income, minority, and disadvantaged Americans. They are the ones that deserve our full and immediate attention.

That is why we have also made safe drinking water a top priority.

In May 2018, EPA convened its first-ever National Leadership Summit to help states address the emerging risks associated with per- and polyfluoroalkyl substances (PFAS). The summit included representatives from over 40 states, tribes, and territories; 20 federal agencies; Congressional staff; associations; industry groups; and non-governmental organizations.

Following the Summit, the agency hosted a series of visits in communities directly impacted by PFAS. Using information from these events and other public input, we will release a PFAS Action Plan in the very near future.

We are also taking important actions to protect our children from the dangers of lead exposure. We proposed stronger dust-lead hazard standards, and we are updating the lead and copper rule for the first time in two decades. These actions and more are detailed in the new Federal Lead Action Plan, which we announced in December alongside the Department of Health and Human Services and the Department of Housing and Urban Development.

In addition, we are using our grant and financing programs to help communities replace lead service lines and upgrade their water infrastructure. Under President Trump, EPA has issued seven loans through the Water Infrastructure Finance and Innovation Act (WIFIA) program totaling over \$1.5 billion. Combined, these projects will help finance over \$3.5 billion in infrastructure investments while creating over 6,000 jobs.

That's just the beginning. This past year, we invited an additional 39 projects across the nation to apply for WIFIA loans that would help finance nearly \$12 billion in water infrastructure and create up to 183,000 jobs.

When it comes to reducing air pollution, we have launched common-sense reforms, such as the Cleaner Trucks Initiative. Since 2000, nitrogen oxide (NOx) emissions in the U.S. have been reduced by 52 percent. However, it is estimated that heavy-duty trucks will be responsible for one-third of NOx emissions from transportation in 2025, and it's been nearly 20 years since EPA last set NOx emissions standards for heavy-duty trucks. By working closely with states and the private sector, we will reduce NOx emissions from heavy-duty trucks, which is not required by statute or court order but makes sense to do.

In order to provide greater certainty for manufacturers and confidence for American consumers, EPA has worked hard to meet the deadlines set by the bi-partisan 2016 Frank R. Lautenberg Chemical Safety for the 21st Century Act, which amended the Toxic Substances Control Act. Over the past year, EPA once again met its obligations by releasing guidance and policy on confidential business information, a strategy to reduce animal testing, a final mercury reporting rule, and a final fees rule.

What makes our actions effective and durable is our commitment to vigorously enforce them. In Fiscal Year 2018, EPA enforcement actions required the treatment, disposal, or elimination of 809 million pounds of pollutants and waste – almost twice as much compared to 2017. We also entered into the largest settlement in the history of our enforcement of the Risk Management Program with the responsible party spending \$150 million on major safety improvements.

As an Agency, we can't improve how we carry out our responsibilities unless we can accurately measure our progress. Under President Trump, EPA launched a comprehensive management system, the EPA Lean Management System (ELMS), to identify, track, and enhance critical Agency processes.

This past year, we initiated deployment of ELMS in three regions and scheduled deployment in the rest of the agency for Fiscal Year 2019. We created over 600 performance measures across all national programs and regional offices. For the first time, EPA is reviewing its performance via these new measures and taking corrective action on a monthly, rather annual basis. We're already seeing dramatic improvements, such as reducing the backlog of new permit applications older than six months by 34 percent between June and November 2018.

Our accomplishments also extend to extraordinary events and issues that transcend our nation's borders. Over the past two years, highly dedicated and experienced EPA employees have conducted almost 500 emergency response and removal actions, while at the same time

responding to six nationally significant hurricane events, several of the most destructive wildfires in U.S. history, a Super Typhoon, and a volcanic eruption.

In October, I signed a memorandum of understanding with the Israeli Ministry of Environmental Protection to advance our collaboration on pressing environmental challenges, such as innovation in the water sector and the remediation of contaminated lands. Most notably, in December, I signed the trilateral Environmental Cooperation Agreement with Canada and Mexico on behalf of the U.S. It contains the most comprehensive set of enforceable environmental obligations of any trade agreement to date, including first-time provisions to address pressing environmental issues such as air quality and marine litter.

Finally, consistent with the President's directives, we proposed three major rulemakings, and I'll say a brief word about each.

First, our new proposed waters of the U.S. definition would provide farmers and landowners the certainty they need to grow more crops, build more homes, and create more jobs. In line with President Trump's February 2017 Executive Order, our proposal would replace the 2015 definition with one that follows the Clean Water Act and respects the primary role of the states in managing their land and water resources. For the first time, we are clearly defining the difference between federally protected wetlands and state protected wetlands.

Second, the proposed Affordable Clean Energy (ACE) rule would adhere to the four corners of the Clean Air Act and allow states to set emissions standards that protect human health while ensuring access to affordable, reliable energy. When ACE is fully implemented, the rule would help reduce U.S. power sector CO₂ emissions by 34 percent below 2005 levels.

Third, EPA and the Department of Transportation proposed the Safer Affordable Fuel-Efficient (SAFE) Vehicles rule, which would reduce the cost of new vehicles so that more Americans can purchase newer, cleaner, and safer cars and trucks.

The average age of vehicles on the road today is at a record high – roughly 12 years old. In 1990, the average age was approximately eight years old. Research shows that passengers are more likely to be killed in older vehicles compared to newer ones. Compared to keeping the 2012 standards in place, our preferred option would reduce the cost of owning a new car by more than \$2,300. These savings would help more Americans purchase newer cars, thereby improving the environment and saving lives – approximately 1,000 lives annually.

Through our deregulatory actions, the Trump Administration has proven that burdensome federal regulations are not necessary to drive environmental progress. Certainty, and the innovation that thrives in a climate of certainty, are key to progress.

I am proud of our accomplishments, and I know that none of it would be possible without our talented and dedicated EPA career staff.

Just last week, EPA and the Department of Justice announced a \$490 million settlement with Fiat Chrysler for cheating U.S. emissions standards.

For three years, Fiat Chrysler told us that their vehicles were compliant. Yet, it was EPA engineers at our National Vehicle and Fuel Emissions Laboratory and the Office of Transportation and Air Quality that caught them cheating. And then they proved how they were cheating. That was no easy task.

Defeat devices hidden in vehicle software can have more than 100 million lines of code. To give you an idea of what EPA staff had to deal with, an F-22 fighter jet has less than 2 million lines of code and a Boeing 787 has around 14 million lines. So I am proud and grateful for our talented and dedicated career staff that was able to detect and expose these defeat devices.

Thanks to our hardworking public servants, pollution is on the decline. Our focus now is to accelerate its decline, particularly in communities where it poses the most immediate and lasting harm.

Thank you for your time, and I look forward to answering your questions.