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HEARING ON THE NOMINATIONS OF DOUGLAS BENEVENTO, NOMINEE TO BE DEPUTY ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY; THE HONORABLE DAVID A. WRIGHT, NOMINEE TO BE A MEMBER, U.S. REGULATORY COMMISSION; AND CHRISTOPHER T. HANSON, NOMINEE TO BE A MEMBER, U.S. NUCLEAR REGULATORY COMMISSION

Wednesday, March 11, 2020

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, Braun, Rounds, Sullivan, Boozman, Ernst, Cardin, Whitehouse, Booker, Duckworth, Van Hollen.

Senator Barrasso. Good morning. Today we will consider the nominations of Douglas Benevento to serve as the Deputy Administrator of the EPA and then David Wright and Christopher Hanson to be Commissioners of the Nuclear Regulatory Commission.

At this point, I would normally go through my full morning statement, as would Senator Carper. But with Senators Feinstein and Daines and Representative Duncan here, I know you have pressing schedules. So we will defer our opening statements until you would go ahead. If that is all right with you, Senator Feinstein, we would be happy to call on you to begin at this time.

STATEMENT OF THE HONORABLE DIANNE FEINSTEIN, A UNITED STATES
SENATOR FROM THE STATE OF CALIFORNIA

Senator Feinstein. Thank you, Mr. Chairman. That is a first among a world of diminishing firsts. So I just want you to know, it is very, very gentlemanly like for you to do this.

Mr. Chairman, Mr. Inhofe, Ranking Member Carper, it is a great pleasure for me to introduce Chris Hanson this morning. Chris has diligently served the Senate and the people of California for over six years now. He has been a key member of my Energy and Water Appropriations staff.

During that time, he has advised me and the Senate Appropriations Committee on issues surrounding the Nuclear Regulatory Commission, including its budget, its oversight of nuclear reactor decommissioning at San Onofre in California, and issues related to proposed new reactor technology. He has also overseen nuclear energy research and development, radioactive waste cleanup, nuclear weapons, non-proliferation and naval reactor programs.

Prior to coming to the Senate, Chris worked at the Department of Energy, where he advised the Assistant Secretary of Nuclear Energy, and worked on appropriation issues for then-Secretary Steven Chu. In all, he has 25 years of experience working on the very issues at the heart of the Nuclear Regulatory Commission's mandate.

As members of this committee know, the members and staff of the Energy and Water Appropriations Subcommittee seamlessly work together in order to produce a bipartisan bill each year. I am just delighted to work with Lamar Alexander.

Chris' expertise, his professionalism and his quiet good nature are instrumental in our effort. He is respected and appreciated by members on both sides of the aisle.

It is not surprising, therefore, that Senator Alexander, our subcommittee chair, has sent a letter supporting Chris' nomination, which I very much appreciate. Senator Alexander and I have spoken about how much the subcommittee will miss Chris. But we are happy for him, and look forward to working with him in his new role, should he be confirmed.

In closing, I have every confidence that Chris will give his usual forethought and insight to the issues that come before the commission and I know he and other commissioners will find him to be an absolute joy to work with.

I am going to miss him very much. But I look forward to his success in this new role, and continuing to serve the Country, with all the expertise and professionalism he has shown us these past six years. I was just delighted to meet his wife and three remarkable children, and just delighted that they can observe him this morning.

Thank you, Mr. Chairman and Ranking Member Carper, and

members of the committee.

[The prepared statement of Senator Feinstein follows:]

Senator Barrasso. Thank you so very much, Senator
Feinstein, we appreciate your time being with us this morning.
Thank you.

Senator Daines.

STATEMENT OF THE HONORABLE STEVE DAINES, A UNITED STATES SENATOR
FROM THE STATE OF MONTANA

Senator Daines. Chairman Barrasso, Ranking Member Carper, thank you. It is truly my honor to introduce a long-time colleague, a friend and a fellow westerner, Mr. Doug Benevento.

Mr. Benevento formerly served as the Regional Administrator for Region 8, where his responsibilities included overseeing six States, along with Montana, and 27 tribal nations. It was during that time I got to work closely with Doug and form a personal relationship.

In fact, Mr. Benevento joined me in Butte and Anaconda. Now, for some perspective on Montana politics, Butte and Anaconda are two strong traditional, Democrat, hard-working kind of folks politically. I think they are a little skeptical of coming from the Trump Administration to work with these communities at first. But he came.

In fact, he was instrumental in bringing Administrator Wheeler to see Montana's Superfund sites first-hand. These are a couple of major Superfund sites that have been steady for years without getting resolution. This is the first time in decades that an EPA Administrator had come to Montana, and is indicative of the agency and the Administration's willingness to engage directly with these impacted communities.

I can say with certainty that never have I worked with a

regional administrator more determined to be responsive to the needs of the community and finally clean up Superfund sites.

In fact, when Doug first assumed his role as Region 8 Administrator, the cleanup efforts at these Superfund sites in Anaconda and Butte were in utter disarray. Significant distrust, and rightfully so, between the EPA and Montana communities due to a history of broken promises, endless bureaucratic delays, precluded substantial progress on cleanup.

Mr. Benevento set about changing that immediately. On day one, he made an effort to earn Montana's trust, not always easy to do, listening not only to local leaders and stakeholders, but more importantly, the everyday folks who had been living under the Superfund burden since 1983.

Mr. Benevento's even temperament, his pragmatism, his willingness to engage in very difficult conversations, built much-needed bridges between the agency and Montanans in Butte and Anaconda. He restarted negotiations by establishing a hard stance early on. He basically said, listen, if there is not an agreement formed here, be prepared for the EPA to issue a unilateral order for cleanup.

This bold move brought stakeholders and local leaders back to the table. Once discussions were restarted, Mr. Benevento set a new standard for transparency and accessibility, implementing a new open-door policy. He even provided his own

cell phone number to the folks that could contact him directly. What a refreshing change coming from the EPA.

It was gestures like these that served as the building blocks for both Butte and Anaconda to come to resolution on Superfund remedial actions. I am pleased to report, let's talk about the result now, that since then, the EPA has released a proposed consent decree detailing final cleanup actions in Butte and the final consent decree for Anaconda is scheduled to be released very shortly. That is a big deal.

There are certainly still hurdles ahead for both sites to be restored. But these accomplishments, and more importantly, the trust built, would not have been possible without Mr. Benevento's leadership.

These accomplishments in Montana are a direct result of the Administration's dedication to clean up Superfund sites that have languished for decades. They have depressed our real estate price in these communities, homes are starting to come back up. Mr. Benevento's leadership, his administrative skills, his character, have made all the difference.

Mr. Benevento has my full support as Deputy Administrator for the Environmental Protection agency. I can say it is a bit of a regret that we have lost him from out west. But it is very good to see that he is now assuming more responsibility and leadership. We truly could have no better ally serving in this

role.

I look forward to seeing him confirmed expeditiously so he can continue his good work.

Thank you, Mr. Chairman.

[The prepared statement of Senator Daines follows:]

Senator Barrasso. Thank you very much, Senator Daines. I know you have a very tight schedule, but I appreciate your being here this morning.

I am next going to turn to our friend, Jeff Duncan, who is in his fifth term in the Third District for South Carolina, someone much better known on the other side of the street than here.

But I will tell you, he has a great blog called Walk-On Legislator. He was a wide receiver for the Clemson football team, and they continue to excel, the good tradition that you brought to Clemson when you walked on. We are grateful to have you here today. Thank you.

STATEMENT OF THE HONORABLE JEFF DUNCAN, A REPRESENTATIVE IN THE
UNITED STATES HOUSE OF REPRESENTATIVES

Mr. Duncan. Thank you, Chairman Barrasso and Ranking Member Carper, other members of the committee.

I am honored to be here today to introduce and support my good friend, the Honorable David A. Wright, to continue his service as a commissioner of the Nuclear Regulatory Commission.

I have known David personally for almost 20 years, and I believe Commissioner Wright's background as a public servant and his knowledge of the agency's subject matter more than qualifies him to continue his service on the commission.

David has ably served as a commissioner since he took office May 30th, 2018. I have no doubt that he will continue this success through a second term.

He grew up in South Carolina, and maintains a residence in Irmo, South Carolina. Most importantly, he is a graduate of Clemson University -- go, Tigers.

Prior to his service on the NRC, Commissioner Wright had a distinguished career in public service as a city councilman, a mayor, and a member of the South Carolina House of Representatives.

After serving in the South Carolina State House, Commissioner Wright served on the South Carolina Public Service Commission in a variety of capacities, including as vice

chairman and chairman. He was on the commission for almost a decade, from 2004 to 2013, where he earned high respect from his peers for being a balanced and fair regulator.

From 2011 through 2018, he served as president of the National Association of Regulatory Utility Commissioners, where he represented State economic regulators nationally. Following his public service, Commissioner Wright started his own small business where he focused on energy and water issues.

Throughout his career, he has approached difficult issues in a thoughtful and bipartisan manner, which is essential to performing the duties required by the commissioner.

South Carolina has a unique a complex history with nuclear power. We are a State with significant interest in the leadership of NRC. South Carolina is home to seven nuclear reactors, a nuclear fuel fabrication facility, a low-level waste facility, and the Savannah River site. We are a leader in nuclear power, both on the civilian and defense side of operations.

Through Commissioner Wright's service at the State level, he has a deep understanding of the scope of issues that fall under the purview of NRC. Commissioner Wright is committed to ensuring the health and public safety of not only South Carolinians, but of all Americans. His expertise in South Carolina, as well as his current work on the NRC throughout

these past two years, demonstrates Commissioner Wright's masterful understanding of all things nuclear.

Thank you again, Chairman Barrasso and Ranking Member Carper, for the opportunity to introduce David. I have spent a lot of time with David over the years, at Clemson football games, in conversations during my State tenure in the legislature. I, along with the rest of the South Carolina delegation, fully support his confirmation to the NRC, and look forward to his many successes for the years to come.

With that, I thank you again, and I yield back.

[The prepared statement of Mr. Duncan follows:]

Senator Barrasso. Thank you so much for joining us, and for that very strong recommendation. Thank you.

Senator Gardner.

STATEMENT OF THE HONORABLE CORY GARDNER, A UNITED STATES SENATOR
FROM THE STATE OF COLORADO

Senator Gardner. Thank you, Mr. Chairman and Ranking Member. Thank you very much for the opportunity to appear before you today to introduce a very good friend of mine, Doug Benevento, and of course, his wife, Gwen Benevento and their two lovely children who are here with us today. Thank you very much for this opportunity.

It is my pleasure to introduce Doug Benevento, who has been nominated to serve as Deputy Administrator of the Environmental Protection Agency. I want to start out by congratulating Doug on this nomination. It was welcome news any time, and it is always welcome news any time a Coloradan can serve in a leadership position in any administration. I have always been of the mindset that we need more Colorado common sense in Washington. And this is one more step in that direction.

I have known Doug and his family for nearly 20 years, going back to our days as Senate staffers in Senator Wayne Allard's office of Colorado. I actually came into the office, taking the position that he had in Senator Allard's office. I attended law school with his wife, Gwen, who did much better than I did in law school. Doug handled environmental and natural resource issues for Senator Allard, and that was the beginning of a very long career advocating for protecting the environment.

As a staffer, he helped Senator Allard secure expedited funding for the cleanup of the Rocky Flats Nuclear Plant. For those of you who were serving then, or those of you who were staffers with Doug Benevento at the time, you know what an incredible issue this was, and continues to be, for the State, a site northwest of Denver that began producing plutonium triggers for nuclear weapons in 1952.

When the site closed down in 1992, what followed was one of the most complex environmental cleanups the world has ever seen. A part of this reclaimed site is now a 5,000-acre wildlife refuge, with over 10 miles of hiking trails, thanks to Doug's work.

Following Doug's staffing experience on Capitol Hill, he went on to be the Executive Director of the Colorado Department of Public Health and Environment. I believe that is the largest State agency in Colorado, the principal State agency that the EPA interfaces with the State in Colorado.

During this time, in this role, the State successfully achieved compliance with Federal health-based air quality standards. This experience also no doubt taught Doug the importance of having a healthy dialogue between States and the Federal Government as they work together on regulatory issues.

As the Region 8 EPA Administrator in 2017, Doug worked with agency leadership to secure accelerated funding for the Colorado

Smelter Superfund site, a residential neighborhood with houses and yards contaminated by elevated levels of lead and arsenic near and in Pueblo, Colorado. The agency committed \$15 million a year through 2022 to ensure the cleanup of 770 yards and the interiors of 536 houses when the work is all done.

This was a huge deal for the City of Pueblo and the people of Pueblo in southern Colorado, an area that has long struggled with legacy pollution issues.

Doug also served in the private sector, incredible private sector experience, on the relevant issues under EPA's jurisdiction, which is often an enormous benefit for any individual in public service. When Doug was in the private sector, he worked on the transformation of our State's largest investor-owned electric utility to produce cleaner energy and to reduce emissions.

Doug's service as a policy staffer on Capitol Hill, his service in State government, his time in the private sector, and his recent service at the highest levels at the EPA make him uniquely qualified for the post of Deputy Administrator of the Environmental Protection Agency. I am incredibly honored to be here with his family; certainly before this committee is an honor.

I thank my colleagues for their thoughtful consideration and hopeful favorable consideration of his nomination. Thank

you.

[The prepared statement of Senator Gardner follows:]

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

Senator Barrasso. Thank you very much, Senator Gardner. I know you have a packed schedule, and we appreciate your being with us this morning.

At this point, I would like to welcome our three nominees to the committee, and ask that you take your seats at the table. They will put name tags up there. As you head up, I would just say that President Trump first nominated Doug Benevento to serve as Deputy Administrator of the Environmental Protection Agency on February 25th. The Deputy Administration 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.

Mr. Benevento has spent his 30-year career working to protect public health and the environment. In a variety of positions, he has gained a wealth of experience developing, implementing and complying with environmental laws and policies.

He currently serves as the Associate Deputy Administrator in the Environmental Protection Agency. In this role, he oversees the agency's ten regions, and is responsible for improving coordination between these regions and the agency's national programs.

Mr. Benevento is well-suited for this position, since he

has previously served as the Environmental Protection Agency's Region 8 administrator. In that position, he helped foster positive and productive relationships with the States. Prior to joining EPA, he served as an attorney in the private sector, as Executive Director of the Colorado Department of Public Health and Environment, and on the legislative staff of Congressman, then-Senator Wayne Allard of Colorado.

With credentials like these, it is no surprise that stakeholders from across the political spectrum have enthusiastically endorsed Mr. Benevento's nomination. Jim Martin, the former EPA Region 8 Administrator during the Obama Administration, wrote this: "I have known and worked with Doug for a number of years and in many capacities. Doug brings to every issue he encounters an open mind and a keen intellect. He is perfectly suited for this position."

Numerous others have also written in support, including the Mississippi Governor, Tate Reeves; former Colorado Governor Bill Owens; and Montana Attorney General Tim Fox. I urge all my colleagues to support the nomination.

President Trump has also nominated David Wright to serve as a commissioner on the Nuclear Regulatory Commission for a five-year term, expiring June 30th, 2025. He is currently serving as a commissioner for the remainder of a five-year term which will expire on June 30th of this year. In May of 2018, the full

Senate confirmed his nomination for the current term by voice vote.

Commissioner Wright is well-qualified to continue serving as a commissioner. Prior to joining the Nuclear Regulatory Commission, Commissioner Wright served as chairman of the South Carolina Public Service Commission, president of the Southeastern Association of Regulatory Utility Commissioners, president of the National Association of Regulatory Utility Commissioners, a member of the South Carolina House of Representatives, and councilman and mayor of the town of Irmo, South Carolina. He has also owned and operated several small businesses.

Greg White, the Executive Director of the National Association of Regulatory Utility Commissioners, wrote this in support of Commissioner Wright's nomination: "David has already demonstrated his commitment to the NRC's mission to ensure protection of public health and safety. His continued service on the commission will unquestionably further the agency's important public safety mission."

Today will be the commissioner's fourth time appearing before the Environment and Public Work Committee. Just last week, he testified on the Nuclear Regulatory Commission's budget. He has done a fine job as a commissioner and deserves to be confirmed to another term.

President Trump has also nominated Christopher Hanson to serve as a commissioner on the Nuclear Regulatory Commission. If confirmed, Mr. Hanson will serve a five-year term expiring June 30th of 2024. Mr. Hanson has been nominated to fill a vacancy left when Commissioner Stephen Burns resigned in April of last year.

For the past five years, Mr. Hanson served as a minority professional staff member on the Senate Appropriations Committee's Energy and Water Subcommittee. In that capacity, he has worked for Ranking Member Feinstein. Previously, he served in three roles as a civil servant at the Department of Energy, including as Senior Policy Advisor in the Office of Nuclear Energy.

Confirming Commissioner Wright and Mr. Hanson will ensure that the Nuclear Regulatory Commission is fully staffed with all five commissioners.

At this time, I would like to invite Senator Carper to make any opening statement that he would like.

[The prepared statement of Senator Barrasso follows:]

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

Senator Carper. Thanks so much, Mr. Chairman.

I welcome each of our nominees here today. Mr. Wright, thank you for coming by and visiting with us earlier this week.

Mr. Benevento, thank you very much for coming in and spending some time with us, too, and Mr. Hanson, to you as well. I think some of you, at least Mr. Wright indicated he probably wouldn't have family members here today. But maybe alone, each of you will loan a couple of your relatives to him for the hearing. I think that might be your wife sitting behind you, Chris. My three sons, your three sons, that is pretty good. Mr. Benevento, I think that might be your wife and a couple of daughters back there. I just want to thank your daughters for cutting school today and wanting to spend some time with us and to have your back. And the same for your sons, Chris.

I think the folks who have already spoken here to who know you far better than we ever will have given us really good insight. We appreciate what they have had to say about each of you.

Mr. Benevento has been working in various capacities at EPA, as we have heard, since almost the beginning of the Trump Administration. Before that, I think he was at EPA Region 8. He also spent, I understand, six years serving in leadership

roles in Colorado's Department of Public Health and Environment.

Who was the Governor then? Was it Bill Owens? Yes.

Before that, Mr. Benevento worked on environmental issues for Senator Wayne Allard, our former colleagues. I think I actually my office is his old office. So when you met with us, you were really in his old office.

It is clear from a review of Mr. Benevento's qualifications that he is qualified for the job.

Senator Jon Tester also asked me to mention that he is sorry that he couldn't be here to express support for Mr. Benevento this morning. He does plan to place a hold on your nomination.

[Laughter.]

Senator Carper. Not really.

Senator Tester is leading a VA, Veterans Affairs, hearing this morning. But he wanted me to share that he appreciated the leadership and engagement with local communities and solution-oriented mindsets that Mr. Benevento brought to the table as head of Region 8. Jon doesn't always have compliments like that to lather on people. So enjoy the moment.

The concern that I and I imagine some of my colleagues share is that Mr. Benevento has spent the last couple of years working in an agency that is making some of the most controversial and potentially least environmentally protective

decisions in the agency's history. From its purposeless rollback of the Clean Car Standards to its ongoing efforts to undermine the legal underpinnings of the Mercury and Air Toxics Standards, standards that are widely supported not just by the power industry, but the environmental community far and wide, to the EPA's failure to quickly address PFAS contamination. EPA is making people question the environmental protection phrase in its name.

We need some folks working over there, actually there are plenty of people who work there who are strong environmentalists. But we need some people at the top who are also determined to make sure that environmental protection means what it says every day.

The agency's relentless assault on rules to protect health and the environment is matched only by the assault on the agency itself. We continue to hear about EPA career experts being sidelined and being relocated and deprived of basic worker protection and assurances. While EPA is no longer plagued by the same steady stream of embarrassing ethical lapses that existed during the Pruitt era, I cannot say that any of the environmental outcomes have improved all that much.

Sadly, I also cannot say that, and I say that is in spite of the good work of hundreds of thousands of EPA employees. But sadly, I cannot say that the agency's relationship with some of

our offices has improved that much, either. We are the oversight agency; we are the oversight committee for EPA and a number of other federal agencies. We do oversight. We do oversight through hearings like this, we do oversight through letters that we send, through questions that we ask.

Sadly, our oversight letters remain largely unanswered. That is just unacceptable. Republicans wouldn't like that if the shoe were on the other foot. And we don't like it that it is on our foot.

But Mr. Wheeler has apparently just hired a new chief of staff. His tweets proclaim that she believes the so-called, this is her quote, "loony left," want to "implement a Soviet style takeover of our energy and our economy. It goes on to say, "Democrat actions are corroding the democracy." That is the chief of staff of our EPA Administrator.

I just want to say, Mr. Chairman, with the death of our late colleagues, John McCain, I am the last Vietnam veteran serving in the U.S. Senate. I served five years, three tours over there, during a hot war in southeast Asia. The names of 56,000 people with whom I served that are dead that are on a wall down by the Lincoln Memorial.

Comments like the one from this chief of staff conflating climate action with communism aren't just intellectually baseless, they are dishonest. They are reprehensible,

especially when you consider the military service record of our commander in chief during that same period of time.

Meanwhile, EPA is still refusing to release its own economic analysis on another front, its own economic analysis of my bipartisan bill with Senator John Kennedy to phase down, not phase out, not phase out HFCs, refrigerant and cooling that is a thousand times more dangerous than carbon dioxide for climate. Even though we have learned that analysis, we have learned from within EPA that the EPA's own economic analysis finds that our legislation would save consumers about \$3.7 billion over 15 years. And EPA won't release that information. That is not only unacceptable, that is just unimaginable.

I look forward to hearing how Mr. Benevento plans to address these issues, should he be confirmed.

With that having been said, I want to turn briefly to the two nominees before us for the Nuclear Regulatory Commission. As I have said before, I believe it is critical that the NRC have consistent leadership from both political parties, especially in the nuclear industry which faces an uncertain future. I am heartened that the Administration has nominated the well-qualified Christopher Hanson to be commissioner. Senator Feinstein has spoken of him; we have met with him; very impressive individual. And the President has re-nominated David Wright as commissioner, too.

I will close with this. We don't agree on everything in this committee. One of the things we agree on is the need for producing a lot less carbon and finding ways to create electricity without producing additional carbon. Nuclear energy provides 50 percent of the carbon-free electricity that we generate in this Country. We need more of that, not less of that.

One of the ways we are going to get more of that is to make sure we have terrific commissioners, great staff at the NRC, doing their job every day to make sure that the plants, 90 some, almost 100 plants that are still out there continue to operate efficiently and safely. Thank you so much.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Thank you very much, Senator Carper.

As I get ready to turn to the nominees, I will remind each of you that your full written testimony will be made a part of the record. We look forward to hearing the testimony.

Before calling on anyone individually, I would like to point out the committee has received letters and statements from more than 30 individuals in support of our first nominee. Mr. Benevento's nomination is endorsed by the Environmental Protection Agency Region 8 Administrator under President Obama, the Environment and Natural Resources Advisor to former Democrat Governor John Hickenlooper, numerous leaders of State and tribal environmental protection departments, and other State and local officials.

Without objection, I ask unanimous consent to enter these letters into the record. It is so done.

[The referenced information follows:]

Senator Barrasso. Mr. Benevento, welcome to the committee. If you would like to introduce your family first, and then proceed with your testimony.

STATEMENT OF DOUGLAS BENEVENTO, NOMINEE TO BE DEPUTY
ADMINISTRATOR, U.S. ENVIRONMENTAL PROTECTION AGENCY

Mr. Benevento. Thank you, I do. First, thank you, Mr. Chairman, thank you, Mr. Ranking Member.

I want to thank members of my family for being here. My mother, Nancy Paul, and my stepfather, Dave Paul, who flew out here from Colorado. It is wonderful to have them here.

Senator Carper. Would you ask your mother to raise her hand? Thank you. Would you take an oath, I swear --

[Laughter.]

Mr. Benevento. It is wonderful to have them here to support me. Also here today is my wife, Gwen, and our two daughters, Anna and Kate. Anna just started high school and Kate just started middle school. They are active in theater, are excellent students, and most importantly, are good and kind people.

When taking a job in public service, it is truly a family decision. It is that way for us. With me being gone for long stretches of time, Gwen has taken on additional burdens. She not only drops the kids off at school and picks them up, but she is also engaged with them in all of their extracurricular activities.

When she is not doing that, she is practicing law, having been named one of Denver's top lawyers last year. She is

certainly the glue that holds us together.

Senator Barrasso. We could have her on this committee, one of the top lawyers in Denver. So you were smarter than Cory Gardner, actually, in law school.

[Laughter.]

Mr. Benevento. I also want to thank Senators Gardner and Daines for introducing me.

Thank you, Mr. Chairman, and Mr. Ranking Member, and members of the committee, for taking the time to consider my nomination. It is a great honor to have been nominated by President Trump to be deputy at the premier environmental organization in the world, the Environmental Protection Agency. It is also humbling to be sitting here in front of all of you today, when over 20 years ago, I used to sit in the chairs behind you as a staffer.

If confirmed for this position, I will focus my efforts on five priorities. First, supporting the Administrator and carrying out the mission of the agency to protect human health and the environment. Second, continuing the agency's regulatory agenda of modernizing regulations to ensure they protect human health and the environment while also allowing for economic growth.

Third, working with the regions and the States on implementation of environmental laws. Fourth, continuing to

work with the Gulf Coast States and other federal agencies on Gulf Coast restoration efforts. Finally, working with career staff on workforce development. We have a trust responsibility to do our part to ensure that the agency has a workforce prepared to tackle future challenges.

I have spent my career in environmental protection in one form or another. Early on, I worked for Congressman and then-Senator Allard who taught me that listening to communities is perhaps the most important part of public service.

At the Colorado Department of Public Health and Environment, I learned the important role that States play in environmental protection. The States are at the forefront of protecting human health and the environment, and it is our job at EPA to partner with them to ensure that they are faithfully implementing federal laws. Together, EPA and the States form a partnership that protects the American public.

Following those experiences, I practiced environmental law at Greenburg Traurig, and then worked at Xcel Energy, a large western and midwestern vertically integrated gas and electric utility, known for its all of the above energy strategy. The knowledge I gained from working at both places taught me the practical impact of EPA's decisions.

Most recently, I was Regional Administrator at EPA in the west. I value the experience of working with fellow westerners

to solve difficult issues. We did that by cooperating and listening to each other, which is what we do out west. I look forward to bringing this perspective to this position if confirmed.

It is the cumulative lessons learned from these experiences that I bring to this position, that, if confirmed, I believe can help promote EPA's mission of protecting human health and the environment.

Thank you, Mr. Chairman, and Mr. Ranking Member, committee members. I look forward to answering your questions.

[The prepared statement of Mr. Benevento follows:]

Senator Barrasso. Thank you very much for your testimony.
Welcome to the committee.

Mr. Wright, welcome back. You were here just last week.
We appreciate your being here today. Proceed.

STATEMENT OF THE HONORABLE DAVID A. WRIGHT, NOMINEE TO BE A
MEMBER, U.S. NUCLEAR REGULATORY COMMISSION

Mr. Wright. Thank you very much. Thank you, Chairman Barrasso, Ranking Member Carper, and esteemed members of the committee.

I appreciate the kind introduction of Congressman Jeff Duncan. Jeff is doing great things for his district back home in the great State of South Carolina and for our Country. I am very proud to count him as one of my close friends as well.

I am also very grateful to have the support of all seven members of our State's delegation: Senators Lindsay Graham and Tim Scott, Congressmen Jim Clyburn and Joe Wilson, obviously Jeff Duncan, Tom Rice, Ralph Norman, Joe Cunningham and William Timmons.

I would also like to say thank you to my family, who could not be here today. My mother, brothers and sisters and three of my children live in South Carolina. My oldest son and his wife live in Arkansas. I want to thank them for supporting me over the last two years, because as we all know, as I serve, you are serving as well. So I want them to all know that I love them.

For the record, Mom really wanted to be here today. She was seated right behind me as I went through this process almost three years ago. Out of an abundance of caution, she decided that this is not the best time for her to be traveling.

Personally, I am grateful to President Trump for nominating me to a five-year term on the commission. If confirmed, I look forward to continuing my work on the commission.

I also look forward to continuing to engage with this committee. I am grateful for your commitment to your work and believe that your oversight of the NRC adds immeasurable value.

As you know, the NRC has an important public health and safety mission. Every day that I have been at the NRC has given me a greater appreciation of that mission and the dedicated staff that ensure we meet that mission. It is an honor to serve our Country as an NRC commissioner, and I hope to continue to have that opportunity after June 30th.

It is a pleasure to serve with my colleagues on the commission, Chairman Svinicki, Commissioner Baran, and Commissioner Caputo. As I said at last week's oversight hearing, I have learned so much from each of them, and I appreciate their collegiality and insights on the matters before the commission.

If confirmed, I pledge to work collegially with my colleagues, including Mr. Hanson, if he is confirmed with me.

As you know, the commission has been involved in a number of important issues related to nuclear safety and security over the last two years. When considering these issues, safety is always my first thought and priority. I also strive to adhere

to the NRC's principles of good regulation, especially the principles of independence, efficiency and reliability.

To better understand the issues before me, I have visited the many types of facilities subject to NRC regulation and talked with the licensees and NRC staff at those facilities to understand the boots on the ground perspectives, the challenges and the issues.

Closer to home, I have made a practice of going cubicle by cubicle on every floor of the NRC, and I have visited NRC staff in each of the regional offices to learn about the people of the NRC and what is important to them. These interactions are extremely valuable to me, as the people of the NRC are its greatest asset.

Consistent with my open-door policy, I have met with people of all backgrounds and opinion. I have found that doing so enriches my perspective as a regulator as well.

As this committee knows, these are times of change at the NRC and in the industry we regulate. While we are preparing for a future that is not completely clear, we are taking concrete steps now to ensure that we are flexible enough to meet whatever challenge is ahead. We are preparing for novel technologies while continuing to license existing technologies effectively and reliably. We are working to become a more modern, risk-informed regulator, consistent with the direction the Nuclear

Energy Innovation and Modernization Act and our own principles of good regulation.

As the NRC prepares for the future, one thing remains constant: our laser focus on important safety missions that we are responsible for, which is to provide reasonable assurance of adequate protection of public health and safety.

Chairman Barrasso, Ranking Member Carper and members of the committee, I appreciate the opportunity to appear today, and look forward to your questions.

[The prepared statement of Mr. Wright follows:]

Senator Barrasso. Thank you very much, Mr. Wright.

Mr. Hanson, congratulations, and again, would you like to start by introducing your family and then proceeding with your testimony?

STATEMENT OF CHRISTOPHER T. HANSON, NOMINEE TO BE A MEMBER, U.S.
NUCLEAR REGULATORY COMMISSION

Mr. Hanson. Thank you, Mr. Chairman.

Behind me is my wife, Anne, and next to her our youngest son Theo, and our oldest, Sam, and finally, our son Andrew. I am so pleased that they could be here.

Senator Barrasso. Welcome to all of you. Please proceed.

Mr. Hanson. Thank you.

Chairman Barrasso, Ranking Member Carper, and members of the committee, thank you for the opportunity to appear before you today. I am honored to have been nominated by the President to serve on the Nuclear Regulatory Commission. And thank you, Senator Feinstein, for your kind words of introduction. Also a thank you to Senator Alexander for his letter of support. It has been a true honor and privilege to serve both of them on the Appropriations Committee for these last six years.

I would also like to thank my wife, Anne, for her steadfast love and support. As I mentioned, our three boys are here, Sam, Andrew, and Theo. Your mom and I are very proud of you guys.

Finally, a thank you to my parents, Tom and Linda, who are watching over the internet in Michigan.

I grew up in Southwest Michigan just a few miles from the Palisades Nuclear Power Plant. As the test of the plant's emergency alert system blared from telephone poles each month, I

understood early on the value of a reliable, independent regulator to ensure that the communities surrounding our Nation's nuclear plants are safe.

My professional career has focused mainly on the nuclear sector in both the public and private spheres, from radioactive waste cleanup efforts to new nuclear construction to nuclear research and development, and finally to the Appropriations Committee here in the United States Senate.

Early in my career, I served as a consultant to the National Governors Association's Federal Facilities Task Force, a forum for State governments to collectively interact with the Department of Energy on the cleanup of the Cold War nuclear weapons complex. That experience instilled in me a deep sympathy for State and local governments' desire to have input and influence on federal decisions affecting their jurisdictions.

Later, I was a consultant to the Department of Energy on the economics and governance of uranium enrichment decontamination and efforts to close the fuel cycle through reprocessing and advanced reactor technologies. I also helped a major east coast utility conduct a project risk assessment of new nuclear construction. Through these experiences, I gained an appreciation for how private sector entities make decisions about investments in nuclear power and technology, and how

government programs can influence those decisions.

As a career civil servant in the Department of Energy, I managed the department's relationship with Congressional appropriations committees, learning the value of congressional engagement and oversight in holding agencies accountable for spending and policy decisions.

For the past six years, I have served as professional staff on the Energy and Water Appropriations Subcommittee overseeing the NRC's budget and operations, nuclear energy research and development programs, as well as nuclear national security efforts. One of the most rewarding aspects has been the collegiality and close bipartisan working relationships among staff on the Committee.

If confirmed, I intend to bring these varied experiences to my tenure at the NRC, a passion for public participation and transparency, respect for private sector decision-making, appreciation of Congressional oversight, and a commitment to collegiality.

The NRC faces a complex set of challenges in the coming years, overseeing increased plant closures, regulating a current fleet ever more important to clean energy goals, and preparing to license a diverse array of new reactor technologies. With a deep commitment to public service and a safe nuclear industry, I feel I would be coming full circle with a position at the NRC.

In closing, I am humbled by the prospect of joining the other members of the Commission, including Commissioner David Wright, here today, each of whom brings a wealth of knowledge, experience, and insight to regulating the civilian use of nuclear materials and power

Thank you, Mr. Chairman, and I look forward to your questions.

[The prepared statement of Mr. Hanson follows:]

Senator Barrasso. Thank you very much, Mr. Hanson. Clearly, you understand the challenges that you are facing in the position for which we hope you become confirmed by the full Senate.

I do want to thank all the nominees for the testimony today and throughout the hearing, and with questions for the record the committee members will have the opportunity to learn more about your commitment to public service of our great Nation. I am going to ask that throughout this hearing, you please respond to the questions today and those submitted in writing for the record.

I have to ask this following group of questions to each of you on behalf of the committee. The first is, 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 protection, with respect to your responsibilities?

Mr. Benevento. Yes.

Mr. Wright. I do.

Mr. Hanson. 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?

Mr. Benevento. Yes.

Mr. Wright. Yes.

Mr. Hanson. Yes.

Senator Barrasso. Do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Mr. Benevento. No.

Mr. Wright. No.

Mr. Hanson. No.

Senator Barrasso. We are now going to begin with a round of questions. We will do five-minute rounds of questions.

I would like to start with you, Mr. Benevento. October 2018 you signed a memorandum of agreement with the Wyoming Department of Environmental Quality to promote the use of Wyoming's self-audit law. The self-audit law encourages facilities to come forward, work cooperatively with the State to address environmental issues.

Can you explain how this model can serve as an example for other States?

Mr. Benevento. Yes, thank you, Mr. Chairman.

As you know, as you described, self-audit laws are designed to really encourage regulated entities to go out and find, fix, and report. It is what we call the virtuous cycle, where you

are constantly looking for ways to improve your operations from an environmental perspective, so that you are constantly upgrading and doing what, frankly, the regulators can't do. We can't be everywhere at the same time.

In return for that, what the regulators do, or what the State and federal regulators should do, is they look at whatever violation may be reported, then they assess whether a penalty, or if there are any other penalties or injunctive relief that would be necessary.

My experience having run the State department is when an entity comes in, they have found the problem, they have addressed it and they have moved on that we generally would waive any penalties and make certain that the fixes they had put in place were appropriate.

What is always looming out there, though, from a State official perspective, is what will EPA do. So they come, and these are State laws, they come and they report to the State. EPA always has the ability to over-file or to come and take additional action.

That tends to dampen a regulated entity's willingness to come forward if they don't know what EPA is going to do. Frankly, over the years, EPA has been hit or miss about whether they will accept a State's decision to waive penalties or not.

What this MOU is designed to do is to ensure that certainty

for the regulated entity. What it really says is, look, if an entity comes forward, if the State takes the appropriate action, if they basically follow their own law, we will not step over the top of them and issue additional penalties. This is really important.

The outcome in Wyoming has been great. The outcome in Wyoming, and I have spoken with Secretary Parfitt about this multiple times, from before there was the self-audit MOU to afterwards, they have seen an increase in the number of facilities that are actually going out and looking for issues in their operations and fixing them. The environmental benefit to the State of Wyoming has been great, so great that North Dakota has also signed an MOU. There are several other States that are also looking at it.

It is a simple, commonsense way for us to ensure that you have the help of the regulated industry in looking for problems in their facility, reporting them and making sure that they are fixed, and doing it on a continuous basis.

Senator Barrasso. Thank you.

Mr. Hanson, the Nuclear Regulatory Commission staff, they recently identified some opportunities to enhance and modernize the primary program that oversees our nuclear power plants. You talked about growing up near one. The staff reviewed the last 20 years of operations by nuclear utilities and regulatory

oversight of the plants. Based on this review, the staff made some recommendations to the commission for improving the programs.

Should the commission periodically review and update its requirements, based on the most current and reliable information? Any thoughts on what we need to do along those lines?

Mr. Hanson. Yes, thank you, Senator.

I think it should periodically review and update its regulations. I know the current effort, the reactor oversight program enhancement project, was based in looking at past performance data. I think the key, and while I am not familiar with a lot of the specific elements of the ROP enhancement project, I think one of the key elements that we have to be cognizant of is, how do we manage information, how do we know what we know. If we can gather information about plant performance in a more efficient way, then I think those opportunities can and should be considered in ways that don't undermine the knowledge base that we have.

Senator Barrasso. Mr. Benevento, just a quick short answer, if you could. Under your leadership as Executive Director of the Colorado Department of Public Health and the Environment, you played a critical role in the cleanup of plutonium and other contamination at the Department of Energy's

Rocky Flats Plant Superfund.

Can you explain your involvement and how the cleanup really helped the State of Colorado?

Mr. Benevento. Yes, sir. My involvement was, I worked at the behest of Senator Allard to expedite appropriations. So basically what we were doing, we asked for some of the money that we knew would come in later years earlier, so we could expedite the cleanup and save the taxpayer money and do it quickly. Also working with regulators on ensuring that they were providing sound, commonsense regulatory requirements for the cleanup.

Senator Barrasso. Great. Thank you very much.

Senator Carper.

Senator Carper. Thanks, Mr. Chairman.

Earlier, the Chairman asked each of you this question. He said, 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. Each of you said yes. Each of you said yes. That is the right answer.

I just want to say, Mr. Benevento, I mentioned that EPA has been more unresponsive to requests for information since Administrator Wheeler took over. For example, EPA has been refusing to release an economic analysis of legislation that

Senator Kennedy and I offered to phase down, not phase out, but phase down HFC, which are 1,000 times or more dangerous than carbon dioxide with respect to climate. But the EPA has been refusing to release an economic analysis that shows that our legislation will save consumers up to \$3.7 billion over 15 years.

My question is, Mr. Benevento, I have been informed that EPA's Air Office has finished the analysis, which was also requested by Senator Kennedy. But other EPA political officials have refused to transmit it to his office. Will you commit to providing it to us by the end of this week?

Mr. Benevento. Thank you for the question, Senator.

What I will commit to you is I will go back to the agency; I did go back to the agency after we spoke and asked about the status of that analysis. It is still under review; it is not yet complete. I will commit to you that I will go back and I will again see, check on the progress of it and report back to you on what that progress is.

Senator Carper. Yes. I will just be really blunt. Your progress in finding this analysis, we are told it is done. We are told by people within the agency it is done. It is ready to go. But it is not being released. If we don't get it, I don't threaten -- it is going to be hard for me. I want to support your nomination. I don't want to hold it; I don't want to

impede it. But we want that information.

And if it is really true, there are \$3.7 billion of consumer savings that would flow from our legislation, we need to know that. We need to know that. And we are going to count on you to really be truthful to the vow you just took.

Second question. I recently obtained a leaked version of the final draft that rolls back the vehicle greenhouse gas and fuel economy standards. In addition to the increased carbon pollution, the draft rule costs outweigh its benefits by more than \$40 billion and includes many other legally questionable elements. There has been so much embarrassing media attention paid to EPA's criticism of the Transportation Department's work on this rule, that I have learned that EPA political officials have told career officials to stop documenting their feedback to the Transportation Department the way the law requires them to do.

Specifically, we have learned that EPA recently provided a paper copy of its criticisms to the Transportation Department, but did not share an electronic copy of the same material with the White House Office of Management and Budget.

Here is my question. Can you commit to us that you will ensure that this material, as well as any other material that EPA shares with the Transportation Department, as this rule is finalized, is placed into the White House rulemaking document as

the Clean Air Act requires it to be?

Mr. Benevento. Thanks, Senator.

As you know, we have been working on this rule. It is not yet complete. NHTSA is on the lead on this. I will commit to you that I will go back to the agency, I will look into this matter. We are still in the process of working on this rule, though, and it is not yet complete.

Senator Carper. Well, will you make sure the EPA follows the Clean Air Act in this regard or not?

Mr. Benevento. Yes, we will follow the Clean Air Act.

Senator Carper. Thank you.

Mr. Hanson, the Chairman said to me as an aside he thought we were very fortunate that someone with your qualifications and background is willing and interested in serving in this capacity, along with Mr. Wright. I certainly agree with what he said to me.

I have a question. You have a real interest, as do we, in accident-tolerant fuels for nuclear power plants. Accident-tolerant fuels, in the next five years, the NRC faces the possibility of having to review license applications for widely different accident-tolerant fuel technologies and advanced reactors.

What do you see as the benefit of accident-tolerant fuels? In your view, how is the NRC working with industry, health

groups, and other stakeholders to overcome any critical skill gap at the NRC that would be necessary to review these technologies? Secondly, if confirmed, what more do you think you can do within the NRC on this issue as a commissioner?

Mr. Hanson. Thank you, Senator, for that.

The accident-tolerant fuel program at the Department of Energy is something I have been involved with for a number of years. It was a program Senator Feinstein started after the Fukushima accident, actually nine years ago today, as a matter of fact. Not the program, the accident.

As a way for the current fleet to have better performing fuel in accident conditions, and as the department has gone along and funded the research and development on that, they have not only realized certain safety benefits, but there have also been a number of performance benefits for reactor operations, as well, that have made that attractive economically for those.

My understanding at this time is that the NRC has been very engaged, that there have been a number of computer models that have been developed on the Department of Energy side that are being used by NRC to evaluate some of these concepts. It is a program that I remain very interested in and enthusiastic about, both for its safety benefits and its potential economic benefits for the current fleet.

At NRC, with regard to your second question, Senator, I

think there are ongoing efforts in both personnel and regulation that can and should happen. I look forward to understanding the details around that, should I be confirmed. I think NRC has been, my understanding is they have been very, I don't want to say accommodating, but responsive to entities that have pursued this. I hope that can continue.

Senator Carper. All right. Thanks very much.

Senator Barrasso. Thank you, Senator Carper.

Before turning to Senator Inhofe, the Environmental Protection Agency's decision to review the CAFE standards, the Corporate Average Fuel Economy standards, I believe, is warranted. In 2017, the Alliance of Automobile Manufacturers sent a letter to the agency. The letter said, if left unchanged, those standards could cause up to 1.1 million Americans to lose jobs due to lost vehicle sales. They said that low income households would be the hardest hit.

So I ask unanimous consent to enter this statement into the record. Without objection, it will be done.

[The referenced information follows:]

Senator Barrasso. Senator Inhofe.

Senator Inhofe. Thank you, Mr. Chairman.

First of all, it is unusual that we have three nominees and two very significant positions that I find myself in total agreement with all three of them, including, of course, the minority nominee. They are eminently qualified and I look forward to very enthusiastically supporting all three of your nominations.

I would offer a second opinion. I would just make the statement; the EPA has been very responsive to the requests to which reference has been made.

Mr. Benevento, last month, we sat in my office and discussed some issues of importance to Oklahoma, including the future of the small refinery exemptions. I would like to follow up on that conversation. I am encouraged that the Administration recently sought a two-week extension of consideration of whether to appeal the 10th Circuit decision that invalidated certain SREs. I am hopeful that the Administration would repeal this.

I would just ask the question; any comments you might want to make, Mr. Benevento, that you are going to be confirmed, and when that happens, you are going to ensure that small refineries will get some form of relief. We can think of a lot of different things that can come forth. But as a general rule,

there are some things that can be upheld to the small refineries.

What thoughts do you have about that, and what kind of commitment would you make to that extent?

Mr. Benevento. Thank you, Senator. So the 10th Circuit decision came about just the time my nomination did. I haven't been involved in a lot of the discussions, or any of the discussions that have been happening internal at the agency since then. But moving forward, what I can tell you is that I am happy to work with you and other members of the committee and Congress, along with the Administrator, to ensure that whatever direction is ultimately determined, we move forward and it is equitable to everybody.

Senator Inhofe. Including small refineries?

Mr. Benevento. Yes, sir.

Senator Inhofe. Well, I appreciate that very much. I have no doubt that you will do that, because we have worked together in the past, and it is something that, a consideration that has to be made.

Commissioner Wright, in 2015, when I chaired this committee, I scrutinized the NRC's budget and fee recovery practices. What I found out was that NRC budget had not decreased in keeping with the drop in new reactor licensing and premature closing of existing plants. So I introduced NEIMA,

with its budgeting and fee reform provisions to improve the accuracy and fairness of their financial practices at the NRC.

I would like to ask you, is the NRC prepared to implement the NEIMA recommendations in fiscal year 2021 and begin budgeting more accurately and fairly? Just kind of comment about that. And then anything else in the remaining time that you would like to add in terms of some of your priorities, I would appreciate.

Mr. Wright. Senator, thank you for the question. The NEIMA implementation, I believe, is going well. We have made necessary adjustments to our budgeting and to the way we work on our reporting processes. We have already submitted, I believe, nine reports to Congress so far. I think we have another one coming in July as well.

I will tell you that we are challenged in certain areas because of some of the, the 5 percent reduction every year they have been going through even before I became a commissioner. And then to hit the cap. So we want to make sure that we are making the necessary changes to our budget, so that we can hit that 30 percent corporate support cap, which, I share the Chairman's disappointment that we missed it a little bit this year. I think we were at 31.

Senator Inhofe. Yes.

Mr. Wright. But I do think that the agency is doing

everything, they are really making a game effort to do it.

The GAO report just came out recently here, and they did recognize that we are making some strides. There are a couple of things that still need to happen, and I agree with the recommendations that the GAP report suggested, too.

So there is more work to do. If we are challenged, I will commit to you and the other members of the committee, we are going to come talk to you.

Senator Inhofe. Okay. Mr. Hanson, any comments as far as your priorities are concerned that you would like to share with us?

Mr. Hanson. Thank you, Senator. I think budget implementation and the reforms under NEIMA are important. I also think workforce development is critically important, and maintaining the workforce at the NRC. Like a lot of federal agencies, I understand they have an aging workforce, or a workforce that is increasingly eligible for retirement. So getting people in the door on the young side and enthusiastic about what is going on in the nuclear sector is critically important. And a life in public service.

I was recently at the University of Maryland, at their test reactor. I got to meet some of their engineering students down there. I think the Nation's test reactors at the universities, there are 36 of them, provide a really unique opportunity for

students to get hands-on experience and can hopefully serve as a pipeline to the NRC, in order to have that workforce that is needed to keep the industry going and to license new technologies.

Senator Inhofe. Yes, workforce is a problem. We have been dealing with that in a lot of other areas. One of the problems is that we have arguably the best economy we have had in my lifetime. That makes the job market a little different than it used to be. So there is a lot of competition out there. You have a lot of work to do.

Thank you.

Mr. Wright. That is right.

Senator Inhofe. Thank you, Mr. Chairman.

Senator Barrasso. Thank you, Senator Inhofe. Senator Whitehouse.

Senator Whitehouse. Thank you, Chairman.

Good morning, Mr. Benevento. I mentioned when we met that I was going to give you a compilation of economic reports warning of economic crashes that relate to climate change. I am going to give you this. It includes peer-reviewed economic studies. It includes a Nobel prize winning economist's sworn testimony. It includes reports by the Bank of England, the Bank of France, a consortium of central banks, the Bank of International Settlements, which is kind of the bank of

sovereign and central banks, reports by Freddie Mac, by insurance publications, risk and assurance, by Moody's, by Standard and Poors, by First Street Foundation, by Mackenzie, the consulting firm, by Blackrock.

What I am going to ask you to do, because you are a busy person and I don't expect you to read this whole thing, what I am going to ask you to do is have somebody at EPA read it and summarize it for you. Ask for a report from somebody at EPA saying, what is this thing that Senator Whitehouse gave me what are the conclusions we should draw from it. Then I am going to ask you when that is done to let me know that that is done, so that I know it got done. Will you do that for me, will you have someone at EPA summarize this compilation in a memo for you, and let me know when that is done?

Mr. Benevento. Yes.

Senator Whitehouse. Thank you.

Second ask. Senator Carper and I have asked the Inspector General of EPA to investigate Bill Wehrum for work he did at EPA that benefited a client of his from private practice. That is our allegation. Because the allegedly corrupt work is still on the books at EPA, and because it affects policy, that IG investigation is still ongoing. Will you assure us that as the number two at EPA, you will make sure that EPA cooperates with the Inspector General investigation?

Mr. Benevento. We will cooperate with the IG.

Senator Whitehouse. There is a new, you have a returning person coming back to EPA to be Mr. Wheeler's chief of staff. She has not been amenable or available to the Inspector General, because she has been out of EPA. When she is back, will you make sure that if she has any relevant evidence about this investigation that she cooperates with the Inspector General?

Mr. Benevento. I will talk with Ms. Gunasekara when she comes back about that.

Senator Whitehouse. It is appropriate for her to cooperate with an Inspector General investigation, is it not?

Mr. Benevento. The Administrator has, I think, every year, the last couple of years, has put out a memo detailing his belief that we should be cooperating with the IG. We will do so, consistent with the Administrator's directive to all agency employees.

Senator Whitehouse. Good. When Ms. Gunasekara was out of the agency, she set up a dark money operation, anonymous donor funded operation, that worked in climate denial, in the environmental space. She was also something called a senior fellow at something called the Texas Public Policy Foundation, which is a pretty notorious dark money funded climate denial shop. And also something called an advisor to the CO2 Coalition, which is another notorious dark money funded climate

denial shop.

Here is my question. Every employee at the EPA has an obligation of impartiality. It is an ethics rule. And it means that if you are making decisions that relate to people or interests of companies with whom you have a relationship, that relationship needs to be disclosed and you need to take appropriate steps to make sure there is no conflict of interest. Is that a pretty fair statement of that rule?

Mr. Benevento. Yes. Yes.

Senator Whitehouse. Generally.

Mr. Benevento. Yes.

Senator Whitehouse. How are you possibly going to know that she is in compliance with that rule if you don't know who was funding her through this period?

Mr. Benevento. Our expectation is that all employees consult with ethics counsel and receive guidance from them on what they can be involved in and what they can't.

Senator Whitehouse. Here is the problem. You haven't updated your ethics rules. You don't even ask about dark money conflicts of interest. You are still using ethics rules that predate the explosion of dark money that has corrupted our politics.

So you actually don't know that information. And when you say, go to the ethics people, you are going into a fixed game,

because they don't ask that question either, because you haven't updated the ethics rules.

So let me go back to my original question. How could you possibly know if she is behaving in violation of her duty of impartiality without knowing who her big funders were through this time when she was in her hiatus from the EPA?

Mr. Benevento. We expect all employees to follow the ethics rules as they are written, and coordinate all their activities, their obligations, with career ethics counsel. That applies for all EPA employees.

Senator Whitehouse. And you don't ask the right question through your career ethics counsel, so that becomes a self-fulfilling prophecy.

My time is up.

Senator Barrasso. Thank you, Senator Whitehouse. Senator Ernst.

Senator Ernst. Thank you, Mr. Chair.

Mr. Benevento, I will start with you, please, and focus on you, of course, with the EPA. As you know, the 10th Circuit has found that the EPA abused the small refinery exemption program by granting SREs in an arbitrary and capricious manner. Not my words. Arbitrary and capricious manner. We have just heard from another Senator concerned about the oil industry. But I am concerned about my industry in Iowa that was harmed by these

illegal, not coming from me, coming from the 10th Circuit, illegal SREs.

These illegal SREs caused over 4 billion gallons of demand destruction for ethanol and biodiesel. It shut down numerous plants across the heartland, depressing commodity values in an already uncertain time for my farmers and my producers.

Can we agree that at this very moment, the 10th Circuit decision is the law of the land?

Mr. Benevento. Senator, as I mentioned to Senator Inhofe, that decision, the timeline of that decision coming out in my nomination together --

Senator Ernst. Understood. But can we agree that this is the law of the land right now? It is a decision.

Mr. Benevento. Yes, it is a 10th Circuit decision, and it is binding, yes, ma'am.

Senator Ernst. Yes. Thank you. There are currently 23 pending waiver petitions for 2019. Now that the Administration is considering an appeal, which is ongoing now, that decision has yet to be made from the 10th Circuit, can you commit to me that the EPA will not grant any of these pending small refinery exemptions of 2019 until the legal action is settled?

Mr. Benevento. Thank you, Senator. While this review is ongoing, and I look forward to coming up to speed on it once my confirmation hearing is complete, I would want to get back to

you with a response on how we were going to be managing the program in any matter after the hearing, perhaps, with a QFR. But I don't want to do is, as the review is ongoing and there is a lot of -- it is a very complex decision. I know our folks in OAR, as well as the lawyers at DOJ, are looking at it and trying to determine what exactly it means for us.

So I would like to -- the best way to get back to you on that, to give you an answer that I think is going to be certain and going to be accurate, is to respond in writing.

Senator Ernst. I can appreciate the situation that you are in. I can tell you; our farmers and producers are tired of being yanked around by the EPA, and again, these illegal SREs. And yes, there are some small refineries out there that should be granted waivers. I will give them that. But a number of these small refineries are actually owned by much larger oil companies like Exxon and Chevron. Those don't seem to be small refineries.

And a little additional information. The American Petroleum Institute is the only national trade association that represents all aspects of the oil and gas industry, America's oil and gas industry. They said the EPA should move immediately to apply the court's decision nationwide. Anything short of this will only further exacerbate the regulatory uncertainty.

So not only are we yanking our ethanol producers, America's

farmers around, but some of the folks in the oil industry are being yanked around as well. So we need to move through this, not do the appeal, go ahead and apply the standard that the court came out with, and really focus, just as the Senator from Oklahoma suggested, looking at other ways that we can provide relief to the small refineries, outside of yanking around our producers and our farmers in the Midwest.

So you know where I stand on this. My folks back home know where I stand on this. We have had ethanol producers that have shut down. Not the threat of small refineries that might shut down some day. We have had ethanol plants shut down. We are following the law. We believe EPA should follow the law as well.

Thank you for your consideration and guaranteed, we will follow up on that.

Mr. Benevento. Thank you, Senator.

Senator Barrasso. Thank you, Senator Ernst. Senator Duckworth.

Senator Duckworth. Thank you, Mr. Chairman.

I would like to follow up on my colleague from Iowa, since I am on the other side of the Mississippi in Illinois. Mr. Benevento, you told Senator Inhofe that he would see a solution that is equitable for everyone, including small refineries. Would you like to explain to us or define to us what you

consider to be a small refinery? Do you have a definition?

Mr. Benevento. There is a statutory definition. There is a statutory definition for what constitutes a small refinery that we have applied in the past.

Senator Duckworth. Including the ones that are actually owned by large oil concerns?

Mr. Benevento. Yes.

Senator Duckworth. Let's take a look at that again. I am confused. Has a decision been made or not been made regarding this appealing of the 10th Circuit court decision? Senator Ernst had mentioned back on Friday, and there is an article, Iowa's Starting Line, saying that President Trump was indicating that you are not going to appeal. That is what the Administrator had told me also, gave me his word that you were not going to appeal.

And now you are telling me, as of our meeting just the other day, that no decision has been made. So where is the Administration on this?

Mr. Benevento. And I may have misspoken, Senator, so thank you for the opportunity to correct. I have not been involved in this decision-making process. The 10th Circuit decision came down relatively recently, about the time that I was nominated. So I haven't been involved in the day to day conversations that have been going on. I can't shed any light on that for you at

this hearing today.

Senator Duckworth. When are you guys going to come up -- I am hearing both sides. I am hearing that a decision has been made, a decision has not been made. Regardless, this is going to hurt our farmers. I agree with Senator Ernst, we have producers who have gone out of business. We have farms that have gone bankrupt. We have ethanol producers that are no longer producing, have been shut down for 18 months.

I am very concerned that we are going to destroy the ethanol industry in this Country, and that is a viable biofuel that moves us toward a carbon-neutral future. It is a promise the President made to our farmers, time and time again. It is a betrayal to our farmers, what has been done with the RFS and ethanol.

Will you promise me that if you are confirmed, the EPA will suspend any action on pending and future small refinery exemption approval request until this matter with the circuit court is fully resolved, whether that is simply through accepting the ruling or continuing the litigation? So no more approvals of any exemptions until this whole thing is resolved?

Mr. Benevento. Senator, thank you. I commit that what I will do is go back to the agency and look into this matter. I would be happy to follow up with you after that.

Senator Duckworth. So you are not going to make that

commitment here today? You are just going to promise to go look into it. Which is what I have been hearing. Meanwhile, the waivers -- it is an easy thing to say. Don't grant any more waivers, since you are going to be appealing this ruling. Or if you are not going to appeal the ruling then you don't need to grant any more waivers. So it is easy to just, let's stop granting these waivers until the Administration has made up its mind. What is tough about that?

Mr. Benevento. I just don't think it would be prudent to be making regulatory decisions right here.

Senator Duckworth. This is not a regulatory decision. This is not a regulatory decision. This is just suspending any future actions and granting any more small refinery waivers. You granted over 40 of them, an unheard-of number so far, driving our farmers into bankruptcy, driving our producers out of business. Why can't you wait the two weeks and not grant any more during the time period that you are making the decision?

Mr. Benevento. Well, again, as I indicated to Senator Inhofe and Senator Ernst, this is a matter that I haven't been involved in as it has been developing at the agency. So I do need to go back and learn what is happening. Then I would be happy to follow up with you.

Senator Duckworth. What is your advice going to be, your recommendation to the Administration on this issue? I know it

is not your final decision. But I want to hear your views on this, and it is essential as to how the RFS program is going to be implemented. It is certainly a vital issue for my constituents in Illinois.

Mr. Benevento. I understand, in your office, you were very clear on that as well, how important it is to your constituents. It was helpful to hear that.

What I am going to do after the confirmation hearing is go back and get fully briefed on the status of what we have been doing since the 10th Circuit decision. I would be happy to follow up with you after that.

Senator Duckworth. I highly recommend that you put a moratorium on allowing any more refinery waivers in the meantime.

I am out of time, Mr. Chairman, thank you.

Senator Barrasso. Thank you very much, Senator Duckworth.

Senator Carper.

Senator Carper. Mr. Chairman, I would ask unanimous consent to insert into the record a recent letter sent by 15 auto makers, urging the Administration to pursue a more reasonable course of action than the one they have decided to pursue with respect to clean car rollbacks. Thanks very much.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Barrasso. Thank you, Senator Carper.

I would like to note that last Friday there was an article that ran nationally with a headline President Trump Plans to Fight the Ruling Risking Refinery Biofuel Waivers. So if allowed to stand and applied nationally, the 10th Circuit's ruling would effectively end, in my opinion, hardship relief for small refineries. The ruling would put dozens of small refineries and tens of thousands of jobs at risk.

The Administration cannot let that happen. I support the President's decision to appeal the ruling, and ask unanimous consent to enter this article into the record. Without objection, it is so done.

[The referenced information follows:]

Senator Barrasso. Senator Capito.

Senator Capito. Thank you, Mr. Chairman. I was going to begin by saying at the risk of alienating my two friends on the different side of this issue, I would like to make a statement about the small refinery exemption.

We do have one small refinery, you and I talked about this, Mr. Benevento, in my office, that really qualifies. It is not large; nobody has probably ever heard of the company. But it does employ several hundred West Virginians, and it is very significant, has a long history of being in this part of our State.

Unfortunately for this particular small refinery, they have a federal court decision that says that their small refinery exemption application is worthy of reconsideration. Our frustration, my frustration that I have talked with Administrator Wheeler about, is that the EPA has failed to sufficiently reconsider this. So I would put that on your table. I don't really need a response from you, except to acknowledge that you would, obviously, you are going to be looking into this, but that you would look at this specific case in terms of a reconsideration of its denial.

Mr. Benevento. Yes, I will, thank you.

Senator Capito. Thank you.

I want to move to another issue that I have worked hard on

in this committee, and many of us are extremely concerned about. Again, I mentioned it to you in my office. This is the PFAS issue, the contamination that we have seen near our military bases because of the firefighting foam, which I shared with you at least one of our incidents of PFAS contamination was caused by that, or thought to be caused by that. We have really been pushing hard for EPA, we have had the Administrator here, he said, we are going to be working on a drinking water standard for PFAS to get the maximum contaminant level, which we have yet to see.

We have recently received assurances from the agency that they are going to move fast and furious, we hope, on establishing this MCL standard for PFAS. So this will be a crucial step for us and I think for the Country. If you see more and more pervasive use, obviously, of the chemicals, but also a lot of unknowns, that is what we are trying to determine, using the science, to get to a safe level.

Again, this is a high priority for many of us here. Not just on the Senate side, but over on the House side. Certainly the Chairman has been involved with this and many others.

I don't know if you can add anything to that issue, what steps might be, what you would see in your new position to be able to be helpful here.

Mr. Benevento. Thank you, Senator. We have taken a two-

track approach to PFAS. One is outlined in the PFAS action plan, which outlines short-term and long-term steps that we are going to be taking to try and address this. But at the same time, it has been really important, I worked on this, when I was a regional administrator, to address PFAS where it is found in the Country, to make sure that we cut off all exposure.

Part of our plan, and part of the PFAS action plan and part of the Administrator's commitment was to set a maximum, or was to examine, go through the regulatory process of establishing a maximum contaminant level. We have taken the first step in that; we have already made a regulatory determination that it warrants moving to the MCL process. We are doing that right now. We are doing that as quickly as possible. But it is important that we do it correctly. We need to make sure that the science warrants, we have the back of science and we meet the legal statutory requirements to set an MCL. Because there will be entities out there that are going to be closely looking at what we are doing.

So we have taken that first step to setting the MCL. We are moving as quickly as science allows us to move and as quickly as the statute allows us to move.

Senator Capito. So here is what worries me, because in between the words of what science allows, and I emphasize the need for science in this area, we have been looking at this

issue very aggressively for four to five years, when it was first determined that it was found near these bases with the firefighting foam. And trying to get remediation for small cities, which we were able to get for our small city of Martinsburg.

But I will just say that time is of the essence here. I think that this is so pervasive, and I don't know what the damage can be. But I can't run the risk of having a seat here and knowing that I have grandchildren, I have children, and I am not sure that their drinking water, the level of this particular chemical in their drinking water, is at a safe level. That is a major concern all across this Country.

So I would just reemphasize, quicker is better, more aggressive is better, and using the science, yes. But we all know things can get expedited and move faster if you have the passion behind it. So I would encourage you to move in that direction in your new position. Thank you so much.

Mr. Benevento. Thank you. And I just want to assure you, where we find PFAS, we are making sure to cut off exposure. Your point is a very good one, and we are diligently trying to do that. Thank you.

Senator Barrasso. Thank you, Senator Capito.

Senator Van Hollen.

Senator Van Hollen. Thank you, Mr. Chairman.

Congratulations to all of you on the nominations. Mr. Benevento, thank you for getting together yesterday. I want to follow up on some of that conversation, especially as it relates to the Chesapeake Bay. Senator Cardin and I, of course, represent a big part of the Bay watershed. We have been working for decades now with the Federal Government, State governments, local governments, cooperating and trying to clean up the Bay. We have the Chesapeake Bay Agreement; EPA plays a vital role. They are kind of the glue that holds it all together.

States submit, of course, their watershed implementation plans. We just saw those plans submitted late last year. We looked at the State of Pennsylvania's plan, they were far short. EPA has found that they were far short in terms of preventing pollution from going into the Bay.

In one measure, the nutrients, they were only 75 percent toward the goal that we have to reach in order to meet the cleanup targets for 2025. And then even if you look at that plan that falls short, they don't have adequate financing.

So number one, will you work with us to make sure that the Chesapeake Bay gets the resources it needs from all the funding streams of Federal Government, EPA funding as well as out of the Ag Bill, and that we target those, especially upstream, where we have a lot of nonpoint source pollution?

Mr. Benevento. We are happy to work with you, Senator,

yes.

Senator Van Hollen. So, Pennsylvania has actually applied for a number of grants. Some of them have been to the Department of Agriculture. They have been denied, even though they have a big need. So I really, we need to make sure we have a commitment from EPA as the quarterback of this to work with the other agencies to get it done.

Now, the other question is, if they continue to fall short, do you agree that EPA has what we call backstop authority? In other words, do you agree that EPA has the legal authority to enforce Pennsylvania's compliance with the TMDL?

Mr. Benevento. Yes, TMDLs are enforced, can be -- I am a former State regulator, so some of this speaks to me a little bit. You do a water quality analysis, that results in a TMDL, then the TMDLs, of course, are the basis for permits that are issued. That is where EPA can step in, even if it is a State permit, and take a look at the permit to determine whether it is meeting what is in the TMDL.

Senator Van Hollen. Right. Because there has been some ambiguity coming from EPA on this question. So this is an opportunity to clarify it.

Do you agree that EPA has the legal authority to hold Pennsylvania legally accountable toward meeting the targets that EPA believes are necessary to achieve the goals?

Mr. Benevento. Within the confines of the Clean Water Act, we certainly have a lot of authority, yes.

Senator Van Hollen. So just to press the point a little bit, do you agree that you could take Pennsylvania to court to enforce these provisions? Because if EPA says it doesn't have the authority, you know you are very likely to get a lawsuit quickly from the State of Maryland and others to enforce that authority. So we are seeking clarification as to whether EPA will use its legal authorities to hold Pennsylvania responsible for meeting the targets if you are not satisfied that they are on track.

Mr. Benevento. Yes, with the legal authorities that we have, we could hold a State permit, we could intervene in a State permit, yes.

Senator Van Hollen. Okay. The qualification of the permit is where we are going to have to maybe follow up.

So let me ask you about the telework, given the corona virus. Agencies are obviously having to look at telework.

Mr. Benevento. Yes.

Senator Van Hollen. EPA, I know that you are now permitting more telework. But I am just reading a headline from June 26th, 2019, from the Government Executive, which is a publication that follows activities in the Federal Government. Headline, EPA Unilaterally Imposes New Union Contract Slashing

Telework, Easing Firing. This has been an ongoing subject of concern to EPA employees that this Administration came in and cut back on telework.

Were you part of that decision o cut back on telework?

Mr. Benevento. No.

Senator Van Hollen. Did you support the decision to cut back on telework?

Mr. Benevento. I support the Administration, yes.

Senator Van Hollen. So you supported their proposal to cut back on telework?

Mr. Benevento. I mean, I support the policies of the Administration.

Senator Van Hollen. So in 2017, the EPA Inspector General reported that EPA's existing telework policy at that time was working, that there were no performance issues. Do you have any evidence to suggest that there were performance issues with the prior telework policy?

Mr. Benevento. I don't have any evidence with me, no.

Senator Van Hollen. Okay. So you support the Administration's position, not based on any information, but just because it was the Administration's position, is that right?

Mr. Benevento. Well, that was the policy that was put out. I was a regional administrator at the time, so we received the

policy and we implemented it.

Senator Van Hollen. Okay. So you reduced people's telework opportunities?

Mr. Benevento. Yes, consistent with the direction that we received.

Senator Van Hollen. And it was unilaterally imposed. Yes. So now, obviously, given the current situation, people are looking at telework options. But we should also, on a bipartisan basis, the Congress has said the Federal Government needs to have an option of telework. Obviously, it needs to meet performance standards. So, very disappointed that EPA has gotten rid of the old one.

To the gentlemen for the NRC, thank you for being here. Mr. Chairman, could I have just a moment?

Senator Barrasso. Please, yes.

Senator Van Hollen. I know that when you had the earlier virus, I think the H1N1, you actually put in place an agency plan that would protect your employees, but also make sure your critical mission continued. Mr. Wright, I know you are there now. Are you taking measures right now to make sure we have plans in place?

Mr. Wright. Senator, thank you for the question. Yes, we are focused on ensuring the safety of our people.

So we are broadly sharing and implementing the CDC control

guidelines to try to control the spread of the virus, number one. We are also reviewing our continuity of operations plan. And just to your concern about telework, about 74 percent of our people have telework agreements right now. So we are actively engaged on that issue.

Then for our licensees, they are also taking precautions that are consistent with the guidance that the industry is following. They have sequestration plans if they need to. They have restricted site access for people not to be on the site if they have been out of the Country in the last 14 days or so. We do have plans in place.

Senator Van Hollen. Okay, thank you.

Mr. Hanson, thank you for your service up here on the Hill, and congratulations on the nomination.

Mr. Hanson. Thank you, Senator.

Senator Barrasso. Senator Sullivan.

Senator Sullivan. Thank you, Mr. Chairman. I want to commend the nominees for their desire to serve their Country, and their families who are all here supporting them. It is not always easy to do this. So we very much appreciate it.

Mr. Benevento, I am going to focus most of my questions on your upcoming role. I think you and I are meeting tomorrow, so I look forward to going into a little bit more detail. But for the record, I want to get a couple of things, a couple of

commitments from you.

One of the good news stories on the environment in the last few years is the strong bipartisan cooperation we have seen with regard to cleaning up our oceans. Senator Whitehouse and I have been working on legislation, the Save Our Seas Act. The Chairman has been very supportive of this.

We had a Save Our Seas Act 2.0, which the Congressional Research Service called the most comprehensive ocean cleanup legislation ever, ever to come out of Congress. It passed the Senate 100 to zero six weeks ago. So we are going to try to get it through the House.

If confirmed, can I get your commitment to help implement this? It is something that the President and Administrator Wheeler have fully supported and backed. I just want to make sure I get your commitment on that as well.

Mr. Benevento. Absolutely. It is an agency priority.

Senator Sullivan. Great. Thank you.

Similarly, it is a little bit more regional, but we have an issue in Alaska, southeast Alaska, what we refer to as our transboundary mining challenge. I am a strong resource development-oriented Senator.

However, we do have a number of mines on the border between Alaska and Canada where there have been instances, one, the Tulsequah Chief Mine continues to spew toxic waste into the

river. Three decades now, the Canadians won't clean it up.

I have raised it with the Prime Minister twice.

Remarkably, his response is, well, Senator, we didn't like that the Congress opened ANWR. It is kind of like, what the hell does that have to do with cleaning up the rivers in Alaska.

But anyway, we were expecting, and actually, the EPA has been helpful on this. You were conducting a gap analysis with regard to the environmental standards on the U.S. and British Columbia transboundary mining rivers. I was hoping to get a status update on this document that can be shared with Congress.

Do you know what the status of that is?

Mr. Benevento. It is still being worked in our Office of International and Tribal Affairs. But I can get you a more detailed status analysis after the hearing.

Mr. Sullivan. That would be good. It is important. Again, we have had strong support from the Administration, much stronger than the previous Administration on holding the Canadians' feet to the fire about cleaning up some of these mines and making sure they don't pollute our rivers and oceans in Alaska.

Let me turn to another issue that really is important and I would like to get your commitment on. One of the first pieces of legislation that I focused on, again, was in this committee to develop a new program to help disadvantaged communities that

lack water and sewer. I think it comes as a surprise to many Americans to know that certain communities, unfortunately over 30 in my State, don't have basic running water, flush toilets, basic things that most Americans just take for granted that they think everybody has.

Well, not everybody has them. I think everybody should. These are some of the most patriotic communities in America. They are primary Alaska Native communities. Alaska Natives serve at higher rates in the U.S. military than any other ethnic group in the Country.

And yet, a lot of these communities don't have flush toilets. They literally have to take a bucket, called a honey bucket, out of their house, and dump it into a lagoon full of waste. It is horrendous. We have much higher rates of diseases in children in these communities because of this.

So the Trump Administration has kind of been up and down in funding this program. I want to get your commitment, I try to get it from every EPA Administrator and budget director, that you are going to help fund these programs that are very basic in terms of what most Americans would believe is just common hygiene that we all take for granted in most communities.

Can I get your commitment to work with me and this committee on those issues?

Mr. Benevento. Absolutely. As I think the Administrator

has indicated, these are core issues for the agency. These are core -- I mean, I ran a public health department. These are core public health issues. So absolutely, you have my commitment.

Senator Sullivan. Let me ask about one other one. The Administrator was up in Alaska in August, had great meetings. This issue came up a number of times. We have made some progress in this committee, again, on legislation that I had. I want to thank the chairman for his help on this.

In 1971, there was landmark legislation called the Alaska Native Claims Settlement Act. It provided federal and State land to Alaska Native tribes and other entities in fee simple allotted land, 44 million acres. It kind of really energized our State in terms of our economy, in terms of what our Native communities were able to do with this land.

Unfortunately, a lot of that land that was transferred by the feds was contaminated, severely contaminated. So now the Alaska Native people were saddled with lands, but you couldn't use the lands. Worse, there was a time that the federal agencies were coming back to them saying, oh, by the way, we are going to sue you to clean up the dirty lands that we gave you that were polluted in the first place. Kind of ridiculous.

We got a law passed recently, legislation of mine that said, of course they are not going to be liable. The land was

given to them polluted.

But what we need to do is think about innovative ways to clean up this land, like you would on military bases or other places that are transferred to communities that are contaminated. It is not just going to be through dollars and cents, it is going to be through other innovative ways.

I have talked to the Administrator about a number of these. Can I get your commitment to work with me and this committee on ways to clean up the ANSCA contaminated lands in Alaska?

Mr. Benevento. Absolutely.

Senator Sullivan. Great. Thank you, Mr. Chairman.

Senator Barrasso. Thank you all. If there are no more questions, I welcome back Senator Carper. I know we had hoped to end at about this time. Do you have a final question?

Senator Carper. One more. Again, our thanks to each of you for being with us today, and to your families for supporting your loved ones and sharing them with us.

My wife and I have three sons. You have three sons. Mr. Benevento, you have two daughters. My hope is that I am going to live a long time, I hope all of us here do. But the threat that we are faced with, our climate right now, this climate crisis, the people who really are at risk are my kids, ultimately their kids, your children and your grandchildren.

We have some people who think we ought to close every

nuclear power plant in the Country, which I think is a crazy idea. That is not what we need to do. The greatest source of carbon dioxide on our planet is our cars, trucks, vans, mobile sources. The auto industry has said basically that they can work, California and other States, on a reasonable path forward that creates jobs, economic opportunity, and actually reduces significantly emissions from mobile sources going forward. We ought to do that.

My wife just got back from a trip down to Antarctica a month or so ago. A week or two after she got back, they recorded a temperature in Antarctica of 63 degrees Fahrenheit. South Pole. Two weeks later, it was 65 degrees Fahrenheit. Two weeks later, it was 67. That is the hottest it has ever been down there. A piece of Antarctica the size of the District of Columbia, where we are, here today, literally fell into the ocean while my wife was there.

In Australia, we have some friends there, I know you do too, in Australia they had the fires back in January the size of the State I was born in, West Virginia, as big as West Virginia. A billion or more animals and birds killed, five people killed. We have just gone through the last five years, hottest five years in history. This January was the hottest January in history.

We can do something about it, or not. Failure to act with

some dispatch, it is on us. It is not all on EPA, it is not all on Congress. It is not on business.

But every now and then, we can find a path forward, if the business community agrees on it and the environmental community agrees on it. In this case, two thirds of the Senate agree on it. And that is the greenhouse gases that are in our air conditioners and our refrigerators, they are pretty good at keeping things cool inside. They are a thousand times more dangerous in terms of climate change than carbon dioxide.

We can do something about that, and we need to do something about that.

As you go about your responsibilities, I know you are probably getting certain signals from some folks in the White House, including the President, on what is inappropriate. He thinks climate change is a hoax. Well, it ain't.

I will just ask, when you are being leaned on from powerful people within the Administration that maybe you report to, do what I do. That is keep my kids in mind. I would just urge you to do the same thing. Because what did President Macron say when he came to see us, he spoke at a joint session the Congress took two years ago, President Macron from France. He spoke in English, and he said these words, God only gives us one planet, he said, there is no Planet B. This is it, and we need to cherish it and take care of it.

Thank you.

Senator Barrasso. Thank you very much, Senator Carper.

Just one final piece of information to submit for the record. The Executive Director of the Colorado Counties, Incorporated, John Swartout, and former Environment and Natural Resource Advisor to then-Democrat Governor of Colorado, John Hickenlooper, wrote in support of Mr. Benevento's nomination. He said, "I have always found Mr. Benevento to be professional, intelligent, knowledgeable, dedicated, and willing to work in a non-partisan way to enhance and protect the environment." He went on to say that, "One thing that has always impressed me is that he is willing to tackle the tough issues, make a difference, and get results."

Without objection, I will submit this to the record. So done.

[The referenced information follows:]

Senator Barrasso. Finally, since there are no other members of the committee here today, some members may have to submit questions in writing. They will be submitted by 4:00 p.m. on Friday, March 13th. I ask the nominees to respond to those questions by 4:00 p.m. on Thursday, March 19th.

I want to thank the nominees. I congratulate you again on the nominations. Thank you for the time and the testimony today.

The hearing is adjourned.

[Whereupon, at 11:48 a.m., the hearing was adjourned.]