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U.S. Senate Date: Tuesday, February 5, 2019

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

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BUSINESS MEETING

Tuesday, February 5, 2019

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Office Building, the Honorable John Barrasso [chairman of the committee] presiding.

Present: Senators Barrasso, Carper, Inhofe, Capito, Boozman, Wicker, Rounds, Ernst, Sullivan, Shelby, Braun, Cramer, Cardin, Merkley, Gillibrand, Booker, Markey, and Van Hollen.

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

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

Today we are going to consider five nominees, four bills, six General Services Administration resolutions, as well as the Committee funding resolution, and the Committee rules.

Senator Carper and I have agreed that we will begin voting promptly at 10:20, and at that time I will call up the items on the agenda. We will not debate the items on the agenda while we are voting; instead, we will debate the items on the agenda before we begin voting at 10:20. I also will be happy to recognize any member who still wishes to speak after the voting concludes.

Before we move to the items on the agenda, I would like to highlight this Committee's impressive history of working together on a bipartisan basis to pass important legislation for the American people.

Last Congress, working closely with Ranking Member Carper and all the Committee members, we wrote and passed major water infrastructure legislation into law, the American Waters Infrastructure Act. It included 29 separate introduced bills. We also passed, and the President signed into law, the Nuclear Energy Innovation and Modernization Act. This bipartisan bill

will make sure America remains a leader of nuclear energy innovation.

Last Congress, our Committee also passed the Utilizing Significant Emissions with Innovative Technologies Act, known as the USE IT Act, to support carbon utilization and direct air capture research. Look forward to continuing to work together to advance this legislation to reduce emissions.

This Congress, our Committee will build on that momentum. We will together to write and pass a bipartisan highway bill that upgrades America's roads and bridges in a fiscally responsible way and will help rural and urban areas alike.

Our Committee will also continue to focus on wildlife management and conservation efforts. Ranking Member Carper and I, along with Senators Inhofe, Whitehouse, Boozman, and Booker, reintroduced the WILD Act from last Congress, which we will consider this morning. I agree with Ranking Member Carper when he stated that the WILD Act, he said, would help make the United States a global leader on wildlife conservation.

The Committee will also continue to process nominations. We restart that process today by considering the nominations of Andrew Wheeler to be the Administrator of the Environmental Protection Agency, Nicole Nason to be Administrator of the Federal Highway Administration, Peter Wright to be Assistant Administrator of the Environmental Protection Agency's Office of

Land and Emergency Management, John Fleming to be Assistant Secretary of Commerce for Economic Development, and John Ryder to be a Member of the Board of Directors of the Tennessee Valley Authority.

Each of these nominees is well qualified and will bring a wealth of experience and expertise to these important positions.

I would like to say a few words about Andrew Wheeler.

Mr. Wheeler has served as Deputy Administrator of the Environmental Protection Agency since April of 2018, when the Senate confirmed his nomination with bipartisan support. Just last week, 63 agriculture and forestry groups wrote in support of Mr. Wheeler's nomination to be the Administrator. They said, "It is hard to imagine a more qualified individual for the role of EPA Administrator, and we respectfully request that the Committee move to confirm his nomination so that he may be considered by the Full Senate at the earliest possible date."

Mr. Wheeler has done an outstanding job leading the Environmental Protection Agency these past six months. I urge my colleagues to vote in support of his nomination to be the Administrator.

This morning we will also consider legislation that enjoyed bipartisan support in the 115th Congress. We already mentioned the WILD Act. In addition, we will vote on Senator Sullivan's Alaska Remote Generator Reliability and Protection Act, Senator

Capito's Target Practice and Marksmanship Training Support Act, and Senator Cardin's Migratory Birds of the America's Conservation Act. Each of these bills passed our Committee by voice vote in the last Congress and I urge all my colleagues to support passage of these bills again today.

Last, we will consider six resolutions to approve prospectuses providing for General Services Administration leases, our Committee budget resolution, and our Committee rules.

After Ranking Member Carper gives his opening statement, other members may make remarks. At 10:20 we will proceed to vote on the items on the agenda, provided we have a reporting quorum. After we finish voting, I will be happy to recognize any other member who wishes to speak.

I now turn to Ranking Member Carper for his statement.

[The prepared statement of Senator Barrasso follows:]

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

Senator Carper. Thanks, Mr. Chairman.

In addition to setting our Committee budget and rules today, we will vote today, as the Chairman has said, on four pieces of bipartisan legislation, five nominees, and six General Service Administration resolutions.

As our Chairman knows and my colleagues know, I enjoy serving with you on this Committee. I especially enjoy serving with you on this Committee when we can find consensus on issues that clean the air, clean the water, improve public health, and provide economic opportunity and job creation. That is the win-win that I am always looking for, and I think that is true for everybody on this Committee.

The four pieces of legislation we are considering today have all passed out of our Committee on a bipartisan basis last Congress. I intend to support them again this year.

Let me take just a moment, if I can, to begin to highlight the two bills that I am especially proud to help lead and are important for my State of Delaware, and my guess is for a lot of neighbors and others on this Committee.

Migratory Birds of America Conservation Act, led by Senator Cardin, would help protect migratory birds, including Red Knots, which migrate annually through Delaware, attracting birders

literally from all over the world.

The Wildlife Innovation and Longevity Driver Act, also known as the WILD Act, also known as Wild Thing, would encourage innovation to protect endangered species, better manage human wildlife conflicts, prevent poaching and wildlife trafficking, and combat invasive species.

Three nominees we are considering today were also reported out of this Committee last Congress. Two of those are John Ryder, nominee to be a Member of the Board of Directors of the Tennessee Valley Authority, and John Fleming, nominated to be the Assistant Secretary of Commerce for Economic Development.

The third is Peter Wright, who has once again been nominated to serve as EPA Assistant Administrator, leading the Office of Land and Emergency Management. I appreciate our Chairman's agreement to ensure that, if Mr. Wright is confirmed, he will appear before the Committee in short order to discuss the Agency's efforts to clean up contaminated Superfund sites.

I also hope that many of the other EPA assistant administrators, who this Committee has not seen I think since their confirmation hearings, would similarly be invited to testify soon.

In the last Congress, Minority staff and I worked with EPA to negotiate a set of significant policy concessions that enable us to feel comfortable with a quick confirmation process for Mr.

Wright. EPA has not yet indicated now whether it remains willing to make those same commitments, so, for now, I will refrain from supporting Mr. Wright's nomination. I hope those commitments are forthcoming and soon. Then we can move this nomination expeditiously.

Today we are also considering the nomination of Nicole Nason to be Administrator of the Federal Highway Administration. It has been more than two years since there has been an administrator at the agency. I think that is the longest gap in leadership in more than 100 years. It is my hope that Ms. Nason's nomination is a signal that the Administration is ready to work with us in reauthorizing our Nation's surface transportation programs, and I hope that Ms. Nason will be a real partner with us in that effort.

I must say I was a bit disappointed that Ms. Nason did not clearly commit to sharing materials that I requested at the same time they are provided to FOIA requests or House Committee chairs as part of her answers for questions for the record. I will support her today, but I expect additional clarification from her on that matter.

That brings us to the nomination of Andrew Wheeler, who I have known for just about 20 years. I know others here have known him for a long time, as well. When Andrew Wheeler was named EPA Acting Administrator in July of last year, I sent him

a letter, I think it was like the next day, urging him to heed the lessons of the past and restore the confidence of the American people in the Agency's missions to protect our public health and our environment. I also cautioned Mr. Wheeler that the damage done by Scott Pruitt would not be easily undone.

It brings me no joy to say today that he has not done what I hoped he would do in a number of important respects; not all respects, but a number of important respects. In fact, in many instances Mr. Wheeler has gone further than his predecessor in his rejection of important measures that are supported by a broad list of environmentalists and industry, and industry.

For example, Mr. Wheeler has decided to ignore the course of coal-fired utilities public, health and religious leaders who have urged the Trump Administration to keep the Mercury and Air Toxics Standards Rule in place and effective. In fact, under Mr. Wheeler's leadership, EPA has issued an unnecessary proposal that undermines the legal foundation of MATS, which puts the entire rule in legal jeopardy. The proposal also requests comment on whether the standards should be rescinded altogether.

In this MATS rollback proposal, EPA is woefully ignoring the actual benefits of reducing air toxics that permanently damage children's brains and cause cancer and ignoring the fact that the compliance costs were a third of what were originally estimated.

On another front, despite the repeated requests to negotiate a reasonable compromise on fuel economy and greenhouse gas tailpipe standards, under Mr. Wheeler's lead, EPA is moving forward to finalize a proposal that all but freezes standards in place for the better part of a decade and all but ensures that the auto industry spends the next half dozen years or so embroiled in litigation with California and a dozen other States.

Let me say to my colleagues when I was elected State Treasurer of Delaware in 1976, I worked to save a Chrysler plant in Newark, Delaware. I worked for 30 years to save that plant. Four thousand people worked at that plant. I worked 30 years to save the GM plant that we had just outside of Wilmington, Delaware. For years I have fought to try to make sure that our auto industry in this Country is competitive with the rest of the world.

With respect to fuel efficiency standards and a path forward, they are united in saying that they want a 50 State deal. You have heard me say this many times. They want a 50 State deal. Andrew Wheeler sat here and said he wants a 50 State deal, too, with California at the table.

The last thing the auto industry needs in this Country to be successful and profitable is to spend the next half dozen years or so in court locked up with California and a bunch of

other States, while the rest of the automakers and the rest of the world move forward to producing and building the kind of vehicles that the world is going to be buying in the year 2030.

So, I am very, very frustrated in this regard. This is a win-win situation where we can get good things for this planet by actually making sure that we don't somehow screw up the regulation that is in place for fuel efficiency standards, CAFE. We can preserve what is necessary, give them some flexibility in the near-term in the early years and then crank it up on the outer years when they are going to be building electric powered vehicles and fuel cell powered vehicles to beat the band to compete with the rest of the world.

I will just say, Mr. Chairman, I will wrap it up with this. I want us to slow this down just a little bit. Mr. Wheeler has been nominated for this post. His nomination is good for 210 days. We are 183 days into that nomination, 183 days. Excuse me, we are 27 days, 27 days into that nomination. There are 183 days to go. For God's sake, slow it down. If we report him out, I think we will report him out today.

The idea of a rush to judgment to get him up on the Floor before we have an opportunity to make sure that five of the issues, including the two I have just mentioned here, where we actually do good things for the planet and we also provide for enhanced economic opportunity. Give us a chance to make sure

that those are going to be locked in. That is what my request would be.

Thank you very much.

[The prepared statement of Senator Carper follows:]

Senator Barrasso. Senator Cardin.

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

Senator Cardin. Mr. Chairman, first, I want to thank you for including in today's markup the Neotropical Migratory Bird Conservation Act. This is a bill that, as you pointed out, had previously been approved by voice vote by this Committee. I want to thank Senator Portman, who has been my cosponsor, and many members of this Committee that help in regard to neotropical migratory birds.

More than half of all species found in the United States are migratory birds, so it is key to our ecosystem. This bill provides for education, research, monitoring, and habit protection for more than 350 species of migratory birds, including the Baltimore Oriole, which I have talked about before, which is endangered in more than one respect. The bird itself is endangered, plus the baseball team is endangered. So, we can use all the help we can get in this regard, and I thank the Committee for its support.

Senator Barrasso. Honor that other part to the Commerce Committee.

[Laughter.]

Senator Cardin. I talked to the Chairman and staff before we started this meeting. We do have some GSA resolutions today, and I am going to support all the GSA resolutions. Included in

there are two courthouses, new courthouses, one for Huntsville, Alabama, the total cost of which is \$86 million; and one for Fort Lauderdale, Florida, the total cost is \$190 million.

Our Committee is responsible for these GSA resolutions. I know the staff is arranging for GSA to come in and explain the processes that are used in regard to these resolutions. I particularly request that we focus on courthouse selection. I pointed out that, in Maryland, the Baltimore Courthouse was scheduled for number one for replacement. It is a terribly designed courthouse. That was about 15 years ago, and today it is off the list. I just think it would be useful for our Committee to understand the process that is used for selecting new courthouses in this Country.

I thank the Chairman for his cooperation and I look forward to that briefing.

[The prepared statement of Senator Cardin follows:]

Senator Barrasso. Thank you, Senator Cardin. That has already been arranged and we are working on the schedule.

Any other Senators like to be recognized?

Senator Van Hollen. Mr. Chairman, would this be the appropriate time to say something else about GSA?

Senator Barrasso. Please.

Senator Van Hollen. I appreciate the attention you and the Ranking Member and my colleague from Maryland have given to the issue of the new FBI building. As you know, we are still waiting for a prospectus from the FBI. Senator Cardin and I and others have shared our concerns about the fact that the FBI and the GSA had been headed in the direction of a new campus that met all the security requirements and consolidation requirements. There were three sites, one they were looking at in Virginia, two in Maryland. The Administration pulled the rug out from under that.

I just want to bring to the Committee's attention the fact that the appropriation bills that had been not yet passed, but supported on a bipartisan basis in the House and the Senate, request that the prospectus also include an analysis of one of those three previous sites, so not just a consolidation at the existing site in Washington, D.C., but also include a prospectus on one of the other sites.

Senator Barrasso. Thank you, Senator Van Hollen.

Senator Inhofe.

Senator Inhofe. Thank you, Mr. Chairman.

Let me make the other side of Andrew Wheeler. I would like to comment that one of the most gratifying things that I saw was, when he was first nominated and we first acted on him in this Committee, we went over to his committee that he is going to be the director of and there must have been 300 people there, the people that were there when he first came to work. Here is a guy who spent his whole life in environment and public works in the EPA and all that activity. We are very proud. I wouldn't want to hesitate and delay it at all; I think we need to get him on the job and working.

Thank you, Mr. Chairman.

Senator Barrasso. Now that enough members have arrived and I promised we would vote promptly at 10:20, but I will stay for additional comments from other members afterwards, I would like to move to the votes on the items on today's agenda.

The Ranking Member and I have agreed to bring up three nominees for separate votes and the Ranking Member has requested that each of these nominees receive a roll call vote.

The Ranking Member and I have agreed to vote on two nominees, four bills, six GSA resolutions, the Committee rules, and the budget resolution en bloc by voice vote. Members may choose to have their votes recorded for a specific item in that

bloc after the voice vote.

I would like to first call up Presidential Nomination 22, Andrew Wheeler, of Virginia, to be Administrator of the Environmental Protection Agency. I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator Inhofe. Second.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Mr. Booker?

Senator Booker. No.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mr. Braun?

Senator Braun. Yes.

The Clerk. Mrs. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Carper. Proxy votes no. Cardin votes no.

The Clerk. Mr. Carper?

Senator Carper. No.

The Clerk. Mr. Cramer?

Senator Cramer. Yes.

The Clerk. Ms. Duckworth?

Senator Carper. Senator Duckworth votes no by proxy.

The Clerk. Ms. Ernst?

Senator Ernst. Aye.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey?

Senator Markey. No.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Carper. No, by proxy.

The Clerk. Mr. Shelby?

Senator Shelby. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Van Hollen?

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse?

Senator Carper. No, by proxy.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye.

The Clerk will report.

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

Senator Barrasso. We have approved the nomination of Mr. Wheeler to be Administrator of the Environmental Protection Agency, which will be reported to the full Senate for approval.

Next, I would like to call up Presidential Nomination 80, Peter Wright, of Michigan, to be Assistant Administrator of the Environmental Protection Agency.

I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator Inhofe. Second.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Mr. Booker?

Senator Booker. No.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mr. Braun?

Senator Braun. Yes.

The Clerk. Mrs. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Carper. No, by proxy.

The Clerk. Mr. Carper?

Senator Carper. No.

The Clerk. Mr. Cramer?

Senator Cramer. Yes.

The Clerk. Ms. Duckworth?

Senator Carper. No, by proxy.

The Clerk. Ms. Ernst?

Senator Ernst. Aye.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey?

Senator Markey. No.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Carper. No, by proxy.

The Clerk. Mr. Shelby?

Senator Shelby. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Van Hollen?

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse?

Senator Carper. No, by proxy.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye.

The Clerk will report.

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

Senator Barrasso. The yeas are 11, the nays are 10. We have approved the nomination of Mr. Wright to be Assistant Administrator of the Environmental Protection Agency, which will be reported to the full Senate for approval.

Next, I would like to call up Presidential Nomination 78, John Fleming, of Louisiana, to be Assistant Secretary of Commerce for Economic Development.

I move to approve and report the nomination favorably to the Senate.

Is there a second?

Senator Inhofe. Second.

Senator Barrasso. The Clerk will call the roll.

The Clerk. Mr. Booker?

Senator Booker. No.

The Clerk. Mr. Boozman?

Senator Boozman. Yes.

The Clerk. Mr. Braun?

Senator Braun. Yes.

The Clerk. Ms. Capito?

Senator Capito. Yes.

The Clerk. Mr. Cardin?

Senator Carper. Yes, by proxy.

The Clerk. Mr. Carper?

Senator Carper. Yes.

The Clerk. Mr. Cramer?

Senator Cramer. Yes.

The Clerk. Ms. Duckworth?

Senator Carper. Yes, by proxy.

The Clerk. Ms. Ernst?

Senator Ernst. Yes.

The Clerk. Mrs. Gillibrand?

Senator Gillibrand. No.

The Clerk. Mr. Inhofe?

Senator Inhofe. Aye.

The Clerk. Mr. Markey?

Senator Markey. No.

The Clerk. Mr. Merkley?

Senator Merkley. No.

The Clerk. Mr. Rounds?

Senator Rounds. Aye.

The Clerk. Mr. Sanders?

Senator Carper. No, by proxy.

The Clerk. Mr. Shelby?

Senator Shelby. Aye.

The Clerk. Mr. Sullivan?

Senator Sullivan. Aye.

The Clerk. Mr. Van Hollen?

Senator Van Hollen. No.

The Clerk. Mr. Whitehouse?

Senator Carper. Yes, by proxy.

The Clerk. Mr. Wicker?

Senator Wicker. Aye.

The Clerk. Mr. Chairman?

Senator Barrasso. Aye.

The Clerk will report.

The Clerk. Mr. Chairman, the yeas are 15, the nays are 6.

Senator Barrasso. The yeas are 15, the nays are 6. We have approved the nomination of Dr. Fleming to be Assistant Secretary of Commerce for Economic Development, which will be reported to the full Senate for approval.

I would like to now call up S. 268, the Wildlife Innovation

and Longevity Driver Act; S. 163, the Alaska Remote Generator Reliability and Protection Act; S. 94, Target Practice and Marksmanship Training Support Act; S. 310, Migratory Birds of the Americas Conservation Act; Presidential Nomination 2, Nicole Nason, of New York, to be Administrator of the Federal Highway Administration; Presidential Nomination 79, John Ryder, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority; six General Services Administration resolutions; the Committee budget resolution, the Committee rules en bloc.

I move to approve and report S. 268, S. 163, S. 94, S. 310, Presidential Nomination No. 2, Presidential Nomination 79, and the Committee budget resolution favorably to the Senate, and approve six GSA resolutions and the Committee rules en bloc.

Is there a second?

Senator Carper. Second.

Senator Barrasso. All those in favor, please say aye.

[Chorus of ayes.]

Senator Barrasso. All those opposed, no.

[No audible response.]

Senator Barrasso. In the opinion of the Chair, the ayes have it.

We have approved S. 268, S. 163, S. 94, S. 310, Presidential Nominations 2 and 79, and the Committee budget

resolution, which will be reported favorably to the Senate. We have also approved six GSA resolutions and the Committee rules.

The voting part of the meeting is concluded. I am going to be happy to recognize any member who wishes to make a statement on any of the nominations, legislations, resolutions, and other matters we just approved. I have noted Senator Capito and Senator Sullivan both had interest in making comments. We will go back and forth. I think Senator Capito and then Senator Gillibrand, and then Senator Sullivan.

Go right ahead.

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

Senator Capito. Thank you, Mr. Chairman. I am very pleased that the Committee considered and approved my bill, S. 94, which is the Target Practice and Marksmanship Training Support Act, which I introduced with Senator Bennett and which has the support of 11 bipartisan sponsors.

The bill would provide needed flexibility for States in applying their Pittman-Robertson funds to build and maintain public shooting ranges. This will allow greater access to public shooting ranges for sportsmen and target shooters for gun safety education, target practice, and sighting in firearms. Best of all, it achieves this without any budget score.

This legislation moved by voice vote last Congress and is also included in the public lands package under consideration this week. I am optimistic that it will advance through to enactment this Congress, given its strong bipartisan support.

I would also like to congratulate the five important nominees for their leadership roles. I congratulate each of them for moving forward and hope the Senate will take up their nominations in a timely fashion.

I would like to highlight my support for Acting Administrator Andrew Wheeler to become the Administrator of the EPA. The Acting Administrator and his staff have always been

very responsive to my staff and know the significant concerns I have raised in private meetings and in public forums, including hearings in this Committee, about the risks posed by a group of chemicals known as PFOS. I was troubled by media reports last week that an upcoming interagency plan to address PFOS would not consider standards for drinking water.

Mr. Wheeler and his staff came to my office and addressed those concerns by pledging to look at all available statutory authorities the EPA has been granted by Congress to address this potential crisis. With that in mind, and considering other policy concerns to West Virginia, I have no concerns supporting his nomination. However, I intend to closely track the steps EPA and other agencies are taking to address this public health and environmental health crisis, which has had a particular impact on West Virginians living in affected communities, to ensure that the Federal Government is sufficiently responsive to their concerns.

I would also like to take a moment to express my appreciation for Mr. Wheeler's emphasis on improving transparency and good governance practices at the EPA and proposing regulatory solutions that abide by congressional intent in statute. The important work he is doing at the Agency underscores that economic growth and environmental protection need not be at cross purposes.

West Virginia bore the brunt, more than most States, from eight years of bureaucratic red tape coming out of Washington, and the recovery from the 2008 recession has been delayed coming to Appalachia. The EPA's effort to address the legal deficiencies in the Clean Power Plan and Waters of the U.S. rules will go a long way to helping our people get back to work, particularly in the engineering, manufacturing, construction, and forest industries that are essential to West Virginia's economy.

Thank you very much.

[The prepared statement of Senator Capito follows:]

Senator Barrasso. Thank you, Senator Capito.

Senator Booker.

STATEMENT OF THE HONORABLE COREY A. BOOKER, A UNITED STATES
SENATOR FROM THE STATE OF NEW JERSEY

Senator Booker. Thank you very much, Mr. Chairman. Mr. Chairman, I have lived and worked my entire professional career in low income, vulnerable communities, and I really came to the environmental movement more because of environmental justice issues than originally on climate issues, something always of concern to me.

But when you live in a community where children suffer from lead poisoning, when you live in a community where you can't plant in your soil because it is toxic in your own backyard, when you live in a community where you have toxic Superfund sites within a few miles and live in a community where the air is so bad that the asthma rates are multiple times higher than other suburban communities, you begin to realize that children and young people, as well as the elderly, are being stolen, having what should be the birthright of every American stolen from them when it comes to clean air, clean water, clean soil, and a right to be able to develop and flourish in America by having a clean environment.

Andrew Wheeler, in his brief tenure as Acting Administrator at the EPA, his actions have shown that he will be increasing water pollution, increasing air pollution, increasing carbon emissions that are causing not just global warming, but real

health risks, from mercury to methane. This is someone who will make us less safe, less secure, have more health problems, and raise, unfortunately, the worst consequences of pollution, in addition to the fact that, as climate change happens, it is the vulnerable communities in America that face the most tragic consequences, the communities least resilient when these weather events occur.

I cannot support Mr. Wheeler. I voted against him. And I will continue to work with environmental justice advocates across our Country to try to block and stop the rollbacks that are ultimately going to hurt human life, undermine the well-being in communities like mine across the State of New Jersey and, unfortunately, set this planet back when it comes to addressing the urgent crisis we have with climate change.

Thank you very much.

[The prepared statement of Senator Booker follows:]

Senator Barrasso. Thank you, Senator Booker.

Senator Sullivan.

STATEMENT OF THE HONORABLE DAN SULLIVAN, A UNITED STATES SENATOR
FROM THE STATE OF ALASKA

Senator Sullivan. Thank you, Mr. Chairman. I just want to commend you and the Ranking Member on the continued bipartisan work that gets done on this Committee. I appreciate the passage of the Alaska Remote Generator Reliability and Protection Act and note that in the last Congress, Ranking Member Carper was a cosponsor of that important legislation from my State, and I am glad to see that moving again.

I also just want to mention, with regard to Mr. Wheeler, I think when you saw his confirmation hearing, the one thing that doesn't come out a lot, doesn't get reported in the press, is his qualifications from being a career official at the EPA. I think he might be the first career EPA official to actually have the opportunity to lead the Agency, won a number of awards there; and then also his work here on this Committee. So, almost 20 years of public service on these important issues.

I do want to just briefly mention Ranking Member Carper's statement about a rush. I have a lot of respect for the Ranking Member. As a matter of fact, I have a lot of respect and work very closely with all the members of this Committee, Democrats and Republicans. I do want to mention, though, one of the kind of counterarguments to this idea of a rush is what is happening more broadly in the Senate. There has been unprecedented, by

any historical measure, delay in terms of this President being able to get his nominees confirmed.

If you look at the number of times that the other side has required cloture votes, it is literally in the hundreds for the first two years of this President. There has been no precedent ever, ever in the first two years of another president, whether it is a Democrat, Republican. No one has done this. No one has delayed more than my colleagues on the other side. That is a fact. The vast majority of these delays are noncontroversial Senate confirmed positions; assistant secretaries of HHS, ambassadors for the State Department, assistant secretaries of Defense. Delay, delay, delay, delay.

So, my only point is, to my good friend, Senator Carper, whom I have worked closely with on a number of issues, the argument to say don't rush it would have a little bit more credibility if your side has not been delaying so many well qualified people who want to serve their Country and have been waiting for months and months and months; and we start to lose good people. We start to lose good people and we are starting to see that.

So, I would ask my colleagues on the other side, go to the Minority leader and say, these delays, they are not helping the American people. They are certainly not helping the American people when this Administration, which was elected, is trying to

place people in offices that need Senate confirmation to run the Country.

Thank you, Mr. Chairman.

[The prepared statement of Senator Sullivan follows:]

Senator Barrasso. Thank you, Senator Sullivan.

Senator Carper.

Senator Carper. If I could have just a moment to respond.

I am delighted to serve with you on this Committee, with our Chairman and, frankly, everybody who serves on this Committee. I like to get things done. I am a recovering governor, as you know, and I like to get things done.

As a governor, literally in eight years, I might be mistaken on this, I think every one of my nominees for judges, for executive branch positions that required a confirmation, they were all confirmed and approved. Eight years unanimously. I am one who believes that governors and presidents deserve the benefit of the doubt in nominations. That doesn't mean we should rubber stamp them.

But, as the Chairman knows, we worked very hard at the end of last Congress to try to get four senior officials confirmed at EPA, and to allow them to be confirmed on a voice vote by unanimous consent, and one was held up, as the Chairman knows, for reasons beyond my control, our control, and that was the nominee Peter Wright. We are taking him up today. My hope is we can get that nomination done as long as EPA recommits to what they promised to do in anticipation of our confirming of Peter Wright.

I like to say find out what works and do more of that. You

can look at those four nominations and see what works to expedite the processing of those nominations. With Andrew Wheeler, there are five issues, there are five issues. They include fuel efficiency standards; they include mercury air toxic standards; they include something called HFCs, hydrofluorocarbons, that we have talked about before; they include PFOA, the stuff that gets in water and causes cancer. Within two years we want a drinking water standard.

We are not asking for crazy stuff; we are asking for things that actually clean the air, clean the water, provide better public health, and also provide economic opportunity. That is the win-win I am looking for. I think that is the win-win that we are looking for.

Andrew Wheeler's report out of here today, you all have the votes officially to get him confirmed in the Senate, I think. But I want to make sure, if that happens or when that happens, that the five issues that we are raising here have been addressed in an appropriate way. We will be better off as a people, healthier people. We will also be better economically as a people. That is what I want. That is what we want.

Senator Sullivan. But my broader point to the overall delays of many, many qualified candidates, literally hundreds, over 100 filibusters -- not filibusters, cloture requirements, I think it is a very valid one. When I talk to my colleagues on

the other side of the aisle, a lot of them have reservations about what the Minority leader has been doing, essentially to just delay the confirmation of people just because they want to delay it. It is unprecedented and I think it should stop, and I think it makes for stronger arguments from this side to look at more issues with regard to Mr. Wheeler.

I agree on certainly some of the ones you mentioned. I have raised a number of those with him in my meetings, but, again, the broader issue of the unprecedented delay, by any historical measure, in the last two years. I think it needs to be addressed and I think it gives you more credibility to make these arguments if you are not delaying an entire administration's ability to get people to serve their government who are noncontroversial and get confirmed.

Thank you.

Senator Barrasso. Before turning to Senator Markey, I would point out that Mr. Wheeler has received significant praise from former Democrat vice presidential candidate and U.S. Senator Joe Lieberman, who served on this Committee, the Environment and Public Works Committee, while Mr. Wheeler was a Republican staff director. Former Senator Lieberman has called Mr. Wheeler fair and professional, and I ask unanimous consent to enter that statement in the record, and it will be offered and submitted in the record without objection.

[The referenced information follows:]

Senator Barrasso. Senator Markey.

STATEMENT OF THE HONORABLE EDWARD J. MARKEY, A UNITED STATES
SENATOR FROM THE STATE OF MASSACHUSETTS

Senator Markey. Thank you, Mr. Chairman.

It is the EPA's job to protect public health and the environment, but, sadly, I am concerned that Andrew Wheeler's background means that he will never understand that saving coal is not part of that mission and not his job. Andrew Wheeler has spent years protecting the coal industry; first from here, in the Senate, where he worked to prevent passage of climate legislation as a Committee staffer, then as a lobbyist for Murray Energy, one of the largest coal companies in America that has led the fight by the coal industry to undue the progress we have made on climate policy; and now as the man overseeing a number of proposed regulatory actions that would attack the rules that protect public health, protect our environment, and protect our climate.

We should be forcefully fighting against climate change, instead of being forced to convince our lead environmental protection officer that it is a real threat. For these reasons, I oppose Andrew Wheeler's nomination.

I yield back, Mr. Chairman.

[The prepared statement of Senator Markey follows:]

Senator Barrasso. Thank you. I appreciate your comments.

I appreciate the contributions of all of the members.

Senator Carper, any final words before I adjourn the Committee?

Senator Carper. Thanks, Mr. Chairman. I would ask unanimous consent to submit for the record letters pertaining to the nomination of Andrew Wheeler as Administrator of EPA from former administrators of the Environmental Protection Agency.

Mr. Chairman, I would just reiterate what I said to our colleague from Alaska a minute ago. There is a pretty good roadmap that we can follow to lead to the vote on the floor for Mr. Wheeler sooner rather than later, and it was, as I mentioned, basically executed at the end of the last Congress. I don't think we are asking for a lot. We are asking that we listen to our automakers in this Country, who are saying give us certain predictability with respect to fuel efficiency standards; not years in court, but certainly predictability so that we can compete in the world.

We are asking for this Committee and for this Congress, for EPA to listen to the voices of, with respect to mercury air toxic standards, we are asking them to listen to the voices of our utilities throughout this Country, for the folks who lobby on behalf of the utilities, to the Chambers of Commerce, National Association of Manufacturers, as well as environmental

organizations, as well as Moms Air Force for Clean Air and any other number of folks on the clean air side.

We are asking that the companies in this Country who have actually developed a lot of time and a lot of money in alternative follow-on product to hydrofluorocarbons to act as a refrigerant and a coolant. We have a follow-on product invented in America by American companies, and we are unable to sell it and market it throughout the world because we cannot get a treaty, called Kigali, sent by this Administration to us and the Senate to consider it. I think we have had at least 13 Republican Senators who have said to the Administration, send us the treaty. Send us the treaty.

Senator Capito mentioned this today, we have this PFOA stuff, a chemical that gets in the water. In my State, we have a situation where airplanes, we have big airplanes at Dover Air Force Base and a lot of other places where PFOAs get into the groundwater that they use with respect to the airplanes, and all we are asking for is, within two years, let's have a clean drinking water standard for PFOAs.

Finally, I can never remember how to pronounce the name, but it is a paint stripper. I think it is called fluoride chlorine. I don't say a lot of good things about Scott Pruitt, but he actually started the process when he was the Administrator of EPA to get it off the shelves so that we

wouldn't actually be selling it and exposing people who have died by the dozens in this Country by being exposed to this stuff. That is a paint stripper. I think in that instance Scott Pruitt was on to something right, and I would really urge Mr. Wheeler to take the handoff and get the ball in the endzone.

Thanks so much.

Senator Barrasso. Thank you, Senator Carper.

Senator Cardin.

Senator Cardin. Mr. Chairman, could I ask unanimous consent that my votes negative on Wheeler by proxy and Wright on proxy negative and positive on Fleming by proxy be changed to in person? It doesn't change the outcome.

Senator Barrasso. Without objection.

Senator Cardin. Thank you.

Senator Barrasso. Thank you, Senator Cardin.

I would like to submit for the record, finally, a letter that was to me and to the Ranking Member from the Auto Alliance and Driving Innovation. On behalf of the Alliance of Automobile Manufacturers, who represents 12 leading automakers that produce over 70 percent of light duty vehicles sold in the United States. The letter says, "I want to express our support for the President's nomination of Andrew Wheeler to be the Administrator of the Environmental Protection Agency."

Without objection.

[The referenced information follows:]

Senator Carper. I don't object. I would ask unanimous consent to submit for the record similar statements from individual auto companies in this Country with respect to this and one of the issues I have discussed here today is a 50 State solution for CAFE and fuel efficiency standards.

Senator Barrasso. Without objection.

[The referenced information follows:]

Senator Barrasso. If there is no one else who would like to make a comment, at this time, this hearing and business meeting is adjourned.

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

With that, the business meeting is adjourned.

[Whereupon, at 10:45 a.m. the committee was adjourned.]