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

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Wednesday, March 3, 2021

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 10:00 a.m. in
room 562, Dirksen Senate Office Building, the Honorable Thomas
R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse,
Markey, Kelly, Padilla, Inhofe, Cramer, Lummis, Wicker,
Sullivan, Ernst.

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

Senator Carper. Good morning, everyone. I am happy to call this hearing to order.

We are gathered here today to consider the nominations of Brenda Mallory to serve as Chair of the White House Council on Environmental Quality and Janet McCabe to serve as Deputy Administrator of the Environmental Protection Agency.

We are also pleased to welcome my seatmate in the United States Senate, Richard Blumenthal, husband of Cynthia, who sits to my left when we gather on the Senate floor, and also welcome Representative Andre Carson, wonderful of you to come. I understand you both are going to be introducing our nominees today. We are happy you could join us.

We all know that this is a critical time in our Country's history. The American people need compassionate, steady, and enlightened leadership. Fortunately, the two nominees before us today have the expertise, the commitment, and the integrity that we need to help lead our Nation's environmental efforts and meet this moment in time.

Both nominations before us today are for particularly important roles, roles that can improve the quality of life for all Americans.

One of my mentors, the former Governor of Delaware, a

Republican named Russell Peterson, actually served as the White House Council on Environmental Quality during Richard Nixon and Gerald Ford's administrations. Governor Peterson, a very wise man, use to refer to his role at CEQ as an orchestra conductor. He said, you don't play the instruments when you are the chair of CEQ, but you do try to work to enhance and ensure that everyone is playing in harmony. Think about that. You don't play the instruments as a CEQ chair, but what you do is try to ensure that everyone is playing in harmony.

The CEQ chair coordinates action across the entire government to ensure the Federal agencies are working in harmony, that every Federal decision advances the objectives of economic growth, better public health, and stronger environmental quality.

Over the last four years, too often, CEQ took dangerous policy actions undermining that very missions. One example: the National Environmental Policy Act, or NEPA. As we know, NEPA calls on our Federal Government to consider the impacts on the environment and public health before taking major actions. This can inform the public about how transportation projects can impact air pollution and how Federal development decisions can affect important historic sites.

This law embodies our democratic ideals by offering the American people the opportunity to understand a proposed project

and to voice their views to decision-makers. The same principles of democracy and citizen participation enshrined in our Constitution, as it turns out, are also enshrined in NEPA.

Sadly, the Trump Administration CEQ walked away from the tenets of this 50 year-old law, so one of the many tasks ahead of the next CEQ will be to get us back on track, to harmonize our efforts to address the climate change, safeguard public health, and ensure that We are treating others the way we would want to be treated.

There are few persons as well-qualified to tackle this challenge than Brenda Mallory. Ms. Mallory is a deeply committed civil servant with extensive experience under both Democratic and Republican administrations. She is a kind, compassionate person who brings people together to find solutions.

That is exactly the kind of leader we need working to address the climate crisis and improve access to clean air and water for all Americans, while creating economic opportunities, drive opportunities, too.

We need that kind of leader at the EPA as well because we all know there's no shortage of leadership challenges facing the EPA. The agency has been damaged repeatedly over the last four years. Policymaking at EPA should be grounded in science.

Let me say that again: policymaking at EPA should be

grounded in science. Leadership is needed there to restore scientific integrity to decision-making so the men and women working there every day can effectively address the climate crisis and other challenges facing our Nation and our planet. So, we need strong leadership at the EPA, and we need it without delay.

Last month, we came together and advanced Michael Regan's nomination as EPA Administrator. I want to thank my colleagues, especially the Ranking Member, for your help in doing that. I hope we will see his nomination come to the Floor for a vote by the full Senate very soon.

When confirmed, Mr. Regan will need a Deputy Administrator by his side. Steady, experienced leadership is essential, and Janet McCabe will provide exactly that.

Many of us here first met Ms. McCabe when she was in a very different role at EPA. For this position though, she will have a different mandate, overseeing management of the agency's day-to-day operations. She is well-suited to meet that challenge; she has a deep understanding of the inner workings of the agency and its people and a profound commitment to their shared mission.

How is this for a good fit: nine people who previously held the role for which she is been nominated, five Democrats, four Republicans, all recommended her for the job. Think about that.

Let me say that again, it is worth repeating. Five Democrats and four Republicans who have held the job for which she has been nominated have all recommended her for this job. We don't see that every day.

I am convinced that she will bring a profound dedication to public service as she works to rebuild morale, restore scientific integrity, and closely partner with States, our States, to protect the health of all of our communities.

Many of our colleagues know that I like to quote Albert Einstein, who once said, among other things, "In adversity lies opportunity." Well, we have no shortage of adversity in our Nation today, we know that. Whether it is this deadly pandemic, unemployment just beginning to show signs of improvement, or the growing climate crisis, there seems to be adversity just about everywhere we turn, but with that adversity, there's also great opportunity.

There is an opportunity for us to unite in common purpose, to join together as fellow Americans, to do great things for our planet, for our Country, and for our neighbors, whether they live around the corner, across town, or on the other side of the world.

The American people are looking to us to rise to today's challenges and turn those challenges into an opportunity for a better future. For them, for our States, and for us, let's not

let them down.

With that, I want to turn to Ranking Member Senator Capito for her opening comments. Senator Capito?

[The prepared statement of Senator Carper follows:]

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

Senator Capito. Thank you, Chairman Carper, and thank you all for being here. Thank you, Senator Blumenthal and Representative Carson, it is nice to see you again, and I appreciate your taking the time to introduce our candidates today.

Last week, we had a very productive and positive hearing about how the committee can develop and advance a bipartisan, common sense surface transportation reauthorization bill. We heard about the importance of State flexibility and streamlining to get projects built faster, more efficiently, and to drive our economic growth. I look forward to building on that momentum of the committee and developing a bipartisan bill through the committee in regular order.

Today, we have the opportunity to speak with two nominees to environmental policy positions in President Biden's Administration who have a great say over the path the Administration takes in that regard.

I will be questioning potential regulatory overreaches by the administration beyond the authorities granted by Congress and this committee. I know that the two candidates, both Janet McCabe, who is the nominee for the Deputy Administrator of the EPA, and Brenda Mallory, who I have just met for the first time,

the nominee to serve as Chair of the Council on Environmental Quality, will have very definitive answers.

These two nominees certainly have a wealth of experience, and I certainly appreciate their willingness to serve and to go through this process as well, but, and we have talked on the phone and I appreciate the Zooms that we had, it would be no surprise to either one of them to know that some of the policy positions are causing me some concern.

This Congress, and as our Chairman noted, our first nominee in front of the committee was the Secretary Michael Regan, who is presently head of the North Carolina Department of Environmental Quality. He has been nominated to serve as the Administrator of the Environmental Protection Agency, and he came out of this committee.

What I said at our business meeting that month, I said Secretary Regan is the type of person I would like to see leading a federal agency. He expressed a desire to work in a bipartisan manner and has a history of doing so.

This is where our paths diverged. Unfortunately, the agenda has already been set by unconfirmed officials in the Biden Administration before Mr. Regan even has his hearing. That agenda is clearly shaping up to be a repeat of the Obama Administration's regulatory agenda that devastated my State of West Virginia. Both of our nominees today served in

politically-appointed leadership roles in that administration and supported that agenda.

In my view, that agenda means putting Americans out of work through executive orders like canceling the Keystone XL pipeline and rolling back common-sense regulations that protect our environmental while keeping our economy moving. It means promising the world that America will double down on reducing emissions while countries like China and India will get a free pass.

The part that bothers me the most on these actions is the nonchalant attitude that I felt, and many of the people that I represent felt, during those years directed at them.

According to a Politico reporter on Twitter, Gina McCarthy said at a recent event that after she saves the world from change, she will enjoy the most expensive glass of champagne I can find. She also said at an event in February that "we have to get the middle of the Country understanding and active on climate. We have to show them what resilience looks like."

I think that the people of West Virginia and the people in the middle of the Country, they know what resilience looks like. We are experts in developing our energy resources and managing our land. What we don't need is an unelected or unaccountable, really, bureaucrat telling us that they know what is best for us or looking forward to celebrating, with a toast of expensive

champagne, the policies that have cause pain in the past, and hopefully we can do better in the future.

In that past Administration, Ms. McCabe reported to Ms. McCarthy. Ms. McCabe has said the Clean Power Plan was her proudest accomplishment, and we talked about this on our Zoom call, and I appreciate that.

Let's just say I have strong feelings about the plan, as everyone on the committee knows. I led a Congressional Review Act resolution to throw it out that passed our Congress, but was vetoed by President Obama. If the Clean Power Plan had been implemented, it would have imposed sweeping energy-shifting from coal and natural gas to wind and solar, preventing our gradual economic recovery from the Great Recession, a recovery that still hasn't been felt in parts of my State, thanks to some of these regulations.

The Clean Power Plan was designed not to protect the environment, but to hurt fossil energy. My State, being a large fossil energy producer, was right in the middle of it and fought the rule in court with a host of other States. It never did go into effect.

Ms. Mallory served as the General Counsel on the Council of Environmental Quality under President Obama. During that time, the Administration made no effort to modernize the decades-old regulations under the NEPA, the National Environmental Policy

Act, and we talked about this in our hearing with the governors how the permitting for transportation and infrastructure projects goes on for so long, a lot of it under the NEPA regulations, that it costs money and people abandon projects after a while.

So, President Trump's CEQ did the right thing and updated those regulations to speed project delivery. Ms. Mallory has not minced words about her views on these regulations. When asked about the Trump Administration's rule, she said, and I quote, "You almost don't have a choice but to remove the whole thing."

Her statements are not surprising, because she is presently working at the Southern Environmental Law Center. That center has challenged many critical Trump reforms that I supported, Navigable Waters, NEPA reform, Clean Water 401 reforms, and other things to try to help get more pipeline development forward.

I look forward to talking with both of you, as I know everybody on this committee will, and the vision that you have in mind. I will say, I do thank you for being willing to serve. I know it is not easy, and certainly, the EPA and environmental regulations are always very, very difficult and cut both ways.

I have shared with both of you my deep compassion for not just my State, but the economic devastation that regulation,

when they are not looked at in the whole, can cause to certain areas of the Country and plunge people into poverty and into unsafe and unhealthy conditions. I know you are concerned about that as well, so let's try to find solutions together. I look forward to our nominees' testimony today, and thank you.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thank you, Senator Capito. Senator Capito and I both hail from West Virginia, and she knows my sister and I were born near a coal-mining town named Beckley.

We didn't have a lot; we never drank champagne; many of our neighbors were coal miners. Their jobs are gone, and I want to make sure, working with her and members of this committee, that as we move to clean up our air and address climate change, we don't leave any of them behind.

With that in my mind, I want to thank our colleagues from Connecticut, both of you from Connecticut, actually, who are here to introduce our nominees. No, Indiana. Indiana. Sorry about that, Andre.

I want to turn now to our colleague from Indiana to introduce our nominee for the U.S. Environmental Protection Agency. Where is your district?

Mr. Carson. Indianapolis, Indiana, sir. Home of the Indy 500.

Senator Carper. Oh, yes. That is good. We are delighted to be here to introduce our nominee for the EPA, Janet McCabe.

Do you want to go ahead and start, and then I will turn to Richard? Thank you. When I was a kid growing up in West Virginia, and later in Virginia, we used to watch, occasionally watch professional wrestling, and one of my favorite wrestlers was Andre the Giant. How tall are you?

Mr. Carson. I am 6'4", but growing up in Catholic School, they called by Andre the Giant.

[Laughter.]

Senator Carper. I am sure they did. Welcome, Andre. We are happy to see you. Thank you.

STATEMENT OF THE HONORABLE ANDRE CARSON, UNITED STATES
REPRESENTATIVE, STATE OF INDIANA, SEVENTH CONGRESSIONAL DISTRICT

Mr. Carson. Thank you. Well, good morning. I want to thank Ranking Chairman Carper and Ranking Member Capito, good to see you again, for holding this hearing.

I am extremely pleased and honored to be here to introduce Janet McCabe, President Biden's nominee to be the Deputy Administrator of the Environmental Protection Agency. I could not be more supportive of her nomination, not only because she is a fellow Hoosier who has made our State proud, but also because she has demonstrated the character and experience necessary to succeed in this very key position.

Her extensive career in environmental protection, education, and advocacy, spanning decades, reveals a consistent and passionate effort to be of service to others. She understands better than most that protecting and preserving our environment is about standing up for the most vulnerable among us. That includes children harmed by rampant pollution in their formative years, communities of color, which bear the brunt of environmental justice, struggling workers whose livelihoods are threatened by climate change, and more.

This is why her nomination has garnered praise and support from all sides of the political and ideological spectrum. Her life and career demonstrate those Hoosier values of compassion,

hard work, and seeking common ground. Under her leadership, I am very confident she will help the EPA return to its core mission and to make much-needed progress in ensuring we leave our planet healthier for future generations. I look forward to working alongside her to achieve this vital goal, should she be confirmed. Thank you.

[The prepared statement of Mr. Carson follows:]

Senator Carper. Thank you, Mr. Carson.

I will now turn to my colleague, not my roommate, but my seatmate in the Senate, Richard Blumenthal, to introduce Brenda Mallory to be the Chair of the Council on Environmental Quality. Colleague, welcome. Good to see you, thank you. Tell us about Ms. Mallory.

STATEMENT OF THE HONORABLE RICHARD BLUMENTHAL, A UNITED STATES
SENATOR FROM THE STATE OF CONNECTICUT

Senator Blumenthal. Thank you, Mr. Chairman.

I am honored and humbled to appear before you and Ranking Member Capito this morning, and thank you to my colleague, Representative Carson for being here.

I couldn't be prouder than to introduce Brenda Mallory to the committee today. I couldn't be prouder because she is the best person for this job whom I know in the entire Country, and I couldn't be prouder because she is a daughter of Waterbury, Connecticut, although she has lived in Maryland for quite a few years.

Her roots are really in Waterbury, and they reflect the values of that great city, a commitment to faith, family values, and tough work ethic, and commitment to community that really was reflected in her father, a legend, the Revered Thomas Mallory, who was so committed to caring for every individual and to bettering the community as a whole.

Brenda Mallory really epitomizes the American dream. She was fortunate to go to a private school, an all-girls school, Westover, on a scholarship, changing the trajectory of her life. She was the first in her family to go to college, Yale, and then to Columbia Law School. She is married to Mark Schneider, also a lawyer, and a former clerk for Justice Blackmun. I share that

experience.

After graduating from Yale and then Columbia Law School, she spent time in private practice helping businesses and developers do the right thing in their communities, and then she worked in the Environmental Protection Agency. She spent half of her career fighting for the people of our Country, serving in both Democratic and Republican Administrations. More recently, she worked for a non-profit organization helping to advance environmental and natural resource protection.

In short, she knows these issues, environmental issues, natural resource issues, from every side, and the Ranking Member, Senator Capito, used two words: bipartisan and common sense to describe what the goals are of this committee. Brenda Mallory is bipartisan, and she has common sense in dealing with all of these issues.

Remember that Congress established the Council on Environmental Quality under the National Environmental Policy Act, NEPA, which was signed into law by President Richard Nixon, obviously a Republican. Environmental values should be bipartisan, and Brenda Mallory has lived those values without regard to partisan politics.

I would stress about her, and it may be the most important quality that any of us in public life have, that she is a listener. I know that the Chair and Ranking Member pride

themselves on listening to their constituents. She listens, truly, adeptly, closely, carefully to people who have views different from hers, as well as the same. That quality, I think, is one that will stand her in good stead, along with her commitment to coalition-building, taking people from different sides of an issue and bringing them together, and making sure that they understand each other and have a common goal.

She is committed to racial justice as well as environmental and social justice, and she will make Waterbury and Connecticut proud of her record as the Head of the Council on Environmental Quality.

I think, as I said at the outset, there is no one better in the Country to take this position of Chairman of the Council of Environmental Quality, and I am hopeful that she will have the kind of bipartisan support she deserves.

Thank you, Mr. Chairman and Ranking Member Capito.

[The prepared statement of Senator Blumenthal follows:]

Senator Carper. Congressman Carson and Senator Blumenthal, those were lovely introductions.

Mr. Carson. Mr. Chairman, votes have been called, so I have to leave, but thank you for your time, and all the best to Janet and her husband.

Senator Carper. All right. I was just about to move the nominations, but we will let you go and do your business. Thank you so much for joining us today. It means a lot, thank you. Richard, thank you again. Great to see you. Now, we are ready to welcome our witnesses, Ms. Mallory and Ms. McCabe, to the witness table please.

Ms. Mallory, I am going to ask you to start first, and share with us your opening statement. I understand that you might have a special guest with you, and if you feel like introducing him, feel free. You are recognized. Welcome.

STATEMENT OF THE HONORABLE BRENDA MALLORY, NOMINEE TO BE A
MEMBER AND CHAIR OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Ms. Mallory. Good morning, Chairman Carper, Ranking Member Capito, and members of the committee.

Thank you for the opportunity to appear before you today as the nominee for the Chair of the Council on Environmental Quality.

It is the greatest privilege of my professional life and a blessing in my personal life that President Biden has nominated me for this important position on his environmental team. I want to thank President Biden for this nomination and for trusting me to lead CEQ.

Thanks, Senator Blumenthal, for that wonderful and kind introduction. I also want to thank the members of the committee and their staff who took the time to meet with me prior to this hearing. I thoroughly enjoyed and learned from every conversation.

Finally, I want to thank my family, friends, and colleagues for all the support and encouragement, with special gratitude to my husband, Mark Schneider, who is here with me today.

Senator Carper. Mark, could you raise your hand? Thank you.

Ms. Mallory. And to my three children, Rachel, Alex, and Leslie, who give added purpose to all that I do.

Since President Biden announced his intention to nominate me for this role, I have reflected on the journey that brought me to this moment and the service I can provide the American people if I am fortunate enough to gain your support and be confirmed. My humble beginnings in the city of Waterbury, Connecticut did not lead me to expect this moment, but they did teach me that through hard work and commitment, faith and resilience, and with the strong support of family and community, the unimaginable becomes possible.

I am sorry that my parents did not live to see this moment. In their own way, they left an indelible mark through their service to family, church, and community. I sit here as an embodiment of their values.

First, I strive to bring the best I have to offer to every situation. I have always taken great pride in finding ways to make a difference wherever I am. In private practice, that meant helping my clients, companies, cities, trade associations, navigate complex Federal and State permitting processes. In government and in the non-profit sector, that has meant pursuing common ground for practical solutions.

Second, I believe in the dignity of every person. Both professionally and in my volunteer activities, I have worked to advance policies that recognize our common humanity and are designed to ensure that all people are treated with respect and

can have access to clean air, clean water, and toxic-free environments.

Third, I believe in working collaboratively with all stakeholders around common goals. Throughout my career, I have worked effectively with Republicans and Democrats, business leaders and community advocates, and federal, State, and local governments.

These are the hallmarks of my life and career that I will bring in service of the Council on Environmental Quality and the American people.

If I am confirmed, I will work to ensure that the federal environmental laws work for all people, no matter where they live or who they voted for. I will work to demonstrate that we can protect our environment, create jobs, and grow our economy. I will ensure that CEQ plays its role, leading on environmental and natural resources policy, across the Federal Government and listening, truly listening, as we find solutions that serve the public interest.

Among other things, I will work with all stakeholders to advance efficient permitting approaches that also examine the environmental consequences and engage affected communities.

I will see that CEQ's expertise is applied to the challenge of reducing greenhouse gas emissions and to helping communities to prepare for the increased flooding, more frequent hurricanes

and wildfires, and other impacts of climate change that are already occurring.

Finally, I will ensure that the voices of the poor and the powerless, from the most rural parts of America to our biggest cities, are heard as we tackle the environmental and public health crises the Nation faces.

Mr. Chairman, Ranking Member Capito, and members of the committee, thank you again for the opportunity to appear before you. I am happy to answer any questions, and I look forward to working with you and other members of Congress should I have the honor of being confirmed. Thank you.

[The prepared statement of Ms. Mallory follows:]

Senator Carper. Thank you very, very much for that statement and now, I would ask Janet McCabe to proceed with her opening remarks. Ms. McCabe? Welcome.

STATEMENT OF THE HONORABLE JANET McCABE, NOMINEE TO BE DEPUTY
ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Ms. McCabe. Thank you so much, Chairman Carper, Ranking Member Capito, members of the committee. I am honored to appear before you and grateful for your time this morning.

It is so humbling that President Biden has nominated me to serve as Deputy Administrator of the Environmental Protection Agency. If confirmed, it will be a tremendous honor to return to the agency and to work collaboratively with you, with EPA's many partners, and the wonderful EPA staff to protect the health of American families, communities, and our environment. I am eager for your questions today and to hear from you about your priorities for your constituents.

I would like to thank my family: my husband Jon Laramore, who's here with me today.

Senator Carper. Jon, would you raise your hand? Would you raise both hands?

[Laughter.]

Ms. McCabe. My children, Peter, Alice, and Dan, and my little baby grandson, Remy, who gives a whole new meaning to my work and my commitment to creating a healthier, safer, and brighter future. I am so grateful for their support.

Senator Carper. How old is Remy?

Ms. McCabe. He is 16 months.

Senator Carper. Is he being supportive?

Ms. McCabe. He is a tremendous support. I got a photo from him in his highchair yesterday.

Senator Carper. Good. All right.

Ms. McCabe. Since the start of my career, I have had the privilege to contribute to creating healthier, more livable communities for all Americans. I learned early on how poor air quality can worsen asthma and other respiratory problems, leading to higher medical bills, missed days of school and work, and an overall diminished quality of life.

Air pollution is connected with heart disease, cancer, and birth defects. It shortens lives. These and other public health issues facing our fellow Americans have motivated my work.

I have spent most of my career working for State and Federal environmental agencies in Massachusetts, my long-time adopted home State of Indiana, and at the EPA, with a focus on implementation of the Clean Air Act and other air quality issues. During my seven and a half years in the EPA's office of Air and Radiation, I worked on the entire range of air quality issues and became very familiar with the core operations of the agency.

During that time, I got to know and admire many of the fine career staff. They come to work every day committed to helping

the American people live healthier, more productive lives. I can't say enough about the public servants in our government, State and Federal, who do what the public expects of them, from one Administration to the next.

At EPA, it is the scientists, the program staff, the regional teams, the environmental justice leaders, the individuals who support all the agency day-to-day operations, and so many more who truly fulfill the agency's mission of protecting human health and the environment. If confirmed, it will be an honor for me to join them once again and support their work on behalf of public health and the environment.

When I worked in the Office of Air and Radiation at EPA, I focused on the critical partnership between EPA and the States. I know from my own experiences in both State and federal agencies that the federal-State partnership is fundamental to achieving progress, overcoming complex challenges, and delivering for the American people.

This relationship requires openness, transparency, flexibility, and a willingness to listen, even if there are times when we do not agree. Being open and willing to listen to all stakeholders is how EPA should be doing its business, and if I am confirmed, I will be guided by a commitment to fostering open dialogue and giving as many as possible a seat at the table.

While at EPA, I also worked hard to strengthen the relationship between the headquarters and the ten regional offices. We worked on streamlining reviews and approvals, improving communication with our State partners, ensuring consistent implementation of national programs, and valuing the expertise that each person brought to the issues.

In addition to my government service, I previously served as Executive Director of a small children's environmental health non-profit in Indianapolis, where I got to work directly with families worried about lead paint or clean water. That work was so rewarding and gave me a better understanding of how challenging these issues can be for families around the Country. If confirmed, I will work to ensure that all children can share equally in the promise of clean water to drink, clean air to breathe, and the opportunity to lead a healthy and productive life.

In my more recent work with Indiana University and the Environmental Resilience Institute there, I have worked with many local governments across Indiana developing resources and tools to help them address the environmental challenges they face, listening to them first to find out what their needs were, and how the university could help, making their communities healthier and more economically vital.

From all of my experience, I know firsthand that our

programs to improve public health and protect our environment are strongest when they are informed by a diversity of perspectives and rooted in science, transparency, and the law.

As the grandmother of one little boy and with another grandchild due to arrive later this month, I promise that if I am given the opportunity, I will work alongside our talented EPA staff to help ensure that all of our children and grandchildren can grow up in a cleaner, healthier, and more equitable world.

If confirmed, I would be honored to work with Secretary Regan and all of you to make that a reality.

I look forward to your questions, and thank you again for your time this morning.

[The prepared statement of Ms. McCabe follows:]

Senator Carper. Thanks, Ms. McCabe.

As our colleagues know, we begin, once we have heard from our witnesses, your statements, what the chair does is ask three standard questions of our witness. I would ask you just to respond to each of these.

The first question is, do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate members of the Congress, and provide information subject to appropriate and necessary security protections with respect to your responsibilities? Do you?

Ms. Mallory. I do.

Ms. McCabe. I do.

Senator Carper. Do you agree to ensure that testimony, briefings, documents and other electronic forms of information are provided to this committee in a timely manner?

Ms. Mallory. I do.

Ms. McCabe. I do.

Senator Carper. Finally, do you know of any matters which you may or may not have disclosed which may place you in a conflict of interest if you are confirmed?

Ms. Mallory. No.

Ms. McCabe. No.

Senator Carper. Thank you. We are going to start with our

first round of questions.

First question I want to ask, before Senator Inhofe, who has been a past chair and ranking member as well, of this committee, he and I participate almost every week in Bible study. We are people of deep faith, a number of us are. We are guided by our faith. I was interested, you talked about your faith and your parents' faith. How does your faith guide you? How would it guide you with respect to the responsibilities that you have been nominated to fulfill?

Ms. Mallory. Thank you, Senator, for that question. I think my faith is a very important anchor in all that I do, and has been a force in helping me to navigate the various trials and tribulations in life, and to find a way to look for purpose in how I can help people and to do the work, whatever I am called to do, in a way that advances peoples' lives. That is my goal, and that is what I would do if I was confirmed to serve at the Council on Environmental Quality.

Senator Carper. Does the Golden Rule fit in there anywhere? The Golden Rule?

Ms. Mallory. Absolutely, Senator. I think that does actually does inform the way I interact with people. I expect and I look forward to working with people in a way that gives honor to what they are bringing to the table. I try to bring the same energy and the same approach to issues that I would

like to have people bring to me when I am engaged on issues.

Senator Carper. All right, thank you. Ms. Mallory, speaking from your own experience, would you tell us how important CEQ is in coordinating all of this? How would your experience guide your leadership at CEQ if confirmed, making sure that all stakeholders have a voice in our Nation's environmental policy?

Ms. Mallory. Yes, Senator, thank you so much for that question.

The CEQ, as has already been stated, was created under the National Environmental Policy Act, with a broad mission to assist the President on environmental policy across the spectrum, on a broad range of issues. I think the goal of CEQ over time has been to serve the role of knitting together all of the work that is being done across the agencies, and helping to bring to the President and to the White House staff the information about the expertise that folks have in the agencies, and how it can be applied toward the President's agenda.

That is a role that CEQ has played over the years, and in my time at CEQ, was a very important part of the work that I assisted in doing.

That, I think, particularly the more complicated the issues, and the more issues there are to address, becomes really important in ensuring that there is the important coordination.

Coordination in terms of my own experience has been really the key of all the work that I have done, both in private practice as well as in my various roles in the government, that ability to bring groups of people together around a common goal has been very central.

One of the projects that I started on in my private practice career was to basically help in the environmental and historic resources analysis and strategy for what is now the Capital Center Arena. There were many players involved in that project, many different businesses. It was an important economic development opportunity for the District of Columbia.

It was one of the examples where I was tasked, basically, to bring together all the forces around, in particular the historic resources issues, which was central to overcoming the concerns of the community around those issues, and making sure that they were handled in a way that met a very short timeline that required completion of the permits, so that financing for the project was available.

Senator Carper. Thank you very much for those responses.

I am going to turn now to Ms. McCabe and ask, would you tell us about some of the environmental challenges that you have seen at the community level in Indiana, where you work and where you have lived much of your life? How have they impacted your thinking about environmental policy generally? Would you also

share some of the lessons you have learned in working with local governments that will inform your leadership at EPA if confirmed?

Ms. McCabe. Yes, thanks, Senator. I think one of the most compelling issues that I have had close personal experience with dealing with families on is the issue of childhood lead poisoning, which is a serious concern in Indianapolis, and in various cities in Indiana, and all across the Country, due to our ageing housing structure, the legacy of lead in our environment. There is nothing more tragic than the youngest and most vulnerable of the people in this Country being exposed to these things, with potentially life-altering damage to their neurological systems.

Being able to sit in a kitchen with a family and show them where the dangerous lead paint is on the windowsill, and give them some practical help on how to protect their children is just the most fulfilling and important work.

In my work more recently, with the Indiana Environmental Resilience Institute, we have really focused on trying to help cities and towns across the State of Indiana. I love working with mayors. They are so practical.

Senator Carper. Can you hold on.

Did you hear that?

Senator Inhofe. I heard that.

[Laughter.]

Senator Carper. I am a recovering governor. He is a recovering mayor.

Ms. McCabe. It is really true, Senator, I don't usually know what party the mayors are.

Senator Carper. They don't know, either.

Ms. McCabe. They are dealing with the practical problems in their communities.

Senator Inhofe. Yes, but you know what, I tell my friends up here, they don't understand. Because if you really want to know what is going on, you want to be a mayor. If they don't like your garbage system, it ends up in your front yard. They get your attention. So that is working close to the people, and I am in full agreement with that.

Ms. McCabe. Absolutely.

Senator Inhofe. You paid your dues.

Ms. McCabe. Well, it is honest and true, I talked with the mayor from Huntingburg, Indiana. We are having more increased flooding in Indiana, because of how the climate is changing. The mayors, they just look upstream, and here comes the water, and they have to deal with it. How does that mayor explain to his community that we have just had three 500-year floods in 18 months? First, they have to learn what a 500-year flood was, and then figure out how to deal with it.

So that has been incredibly fulfilling work. It just reminded me so much how you really have to listen to people and go and sit in their kitchens and find out the things that are concerning them and how you can best help them.

Senator Inhofe. Yes.

Senator Carper. My time has expired. Senator Capito, please.

Senator Capito. Thank you very much. Thank you for your opening statements.

You both talked a lot about listening, and listening to all the stakeholders. So I have a couple of quotes, and I want to give you a chance to respond to how you might, how that fits into the listening promises of your past and hopefully in the future.

So you might recall, Ms. McCabe, that when you testified before the committee in 2015, when you were at the EPA, and I asked you then, why, with such a far-reaching agenda as the Clean Power Plan, why you were not holding a public hearing in my State of West Virginia, which is deeply impacted by this. You said at the time "We wanted to have those meetings in locations where people were comfortable coming."

Then, Ms. Mallory, you gave an example from your private federal service webinar, I guess it was in 2019. And the quote you have was, "The question was whether I should be sent to a

meeting in West Virginia, because you know how the boys are in West Virginia." And then you talked about a perception among higher levels of government leadership that the people in West Virginia were "rough and tumble." You stated, "This was coming from two levels above me and my direct supervisor was like, I am not comfortable with those people.

You can imagine how that hits you, being a native West Virginian myself, and also in these policies that you all are going to be putting forward and coordinating are going to have deep impacts on the 1.8 million people living in my State.

So I am concerned about previous sessions that were never held, to be listened at the concerns of my constituents. So I guess my question is, could you respond to that? Do you plan to go out to these areas where they are deeply impacted? You didn't before. Ms. McCabe, I will give you the chance first to talk about that conversation.

Ms. McCabe. Thank you, Senator. I know how frustrating this issue is for you. I do understand that. I heard Secretary Regan commit to you that he would come to West Virginia. I make the same commitment to you today, that if I have the opportunity to visit with you and your constituents in West Virginia, I absolutely will come.

Senator Capito. Thank you. And Ms. Mallory, do you have a response to your quote?

Ms. Mallory. Absolutely. I absolutely commit as well to come to West Virginia. For a little context on that quote, it was a speech that I was giving at a conversation about diversity and treating the staff, in this case it was women, fairly on the job. On the job, I was explaining how in a situation where there was a meeting in West Virginia, that there was some sense that I shouldn't be allowed to go because of how people would react to me.

At the time, what I was saying was, I should be allowed to go where I need to go to do my job. I would commit to you that if there are reasons to be in West Virginia, I will gladly come to West Virginia.

Senator Capito. I appreciate that. We are very polite, nice, warm and loving people. I promise you that, and we would embrace your coming to our State to hear, really, the direct impacts.

Let's talk about the Clean Power Plan, Ms. McCabe. You did, I think, characterize it as something you are extremely proud of. We know it was a stay at the Supreme Court level and never actually went into effect.

One of the issues with that, and I asked Secretary-to-be Regan about this too, but I am going to ask you. Do you believe that the EPA has the authority to use Section 11(d) of the Clean Air Act to regulate a power plant's carbon dioxide emissions

outside the fence line, as the Clean Power Plan did?

Ms. McCabe. Thank you, Senator Capito. Certainly, the Clean Power Plan was one of the most important, impactful rules that we work on during the Obama Administration. I am very proud of the job that we did, working with all parties, all stakeholders, on that project.

You are right, the Supreme Court did stay the rule. We have never had a legal ruling on that very question. Certainly, we would not have put that rule forward if we did not believe that we were acting within the four corners of the Clean Air Act. I understand that people have different views about that. To the extent that EPA or other agencies move forward, looking at these policies in the future, I don't know whether my responsibilities as deputy will involve me in those issues. If I am asked, of course, I will. But I know that there will be lots and lots of conversation about that very issue, and solicitation of views from everybody who has an interest in it.

Senator Capito. Thank you.

Senator Carper. Thanks, Senator Capito.

I am going to be stepping out in just a moment, and will leave the gavel with you. I would just ask that when I come back I don't find that you have enacted six of your favorite pieces of legislation.

[Laughter, conversation off microphone.]

Senator Carper. That really scares me. Just kidding.

Senator Whitehouse is next, he is joining us by WebEx, and then I think Senator Inhofe might be right after him.

Senator Whitehouse, you are recognized. Senator Whitehouse, are you out there? Is anybody out there?

Senator Inhofe, you are recognized. I will be right back.

Senator Inhofe. Thank you. I accept.

Brenda, I enjoyed your comments, and I thank you very much, both of you. I enjoyed visiting with you. In reality, we know that we disagree on some things, and we were very frank about that in our conversations. But you know, I used to kind of laugh about Barbara Boxer, commenting that she and I had very little in common philosophically. But we got more done than any other committee did. So hopefully we will have that kind of relationship.

So let me just mention to both of you one thing I think is very significant. I know we feel differently about fossil fuels. I understand that. And just to get into the record this point, since 1970, the combined emissions of the six common pollutants dropped 74 percent. Since 2005, the United States energy-related CO2 emissions fell by 12 percent while related, nationally it was increased by 20 percent.

This is, in large part, a result of American oil and gas companies' commitment to responsible, environmentally friendly

practices and advancements in technology like carbon capture.

[Remarks off microphone.]

Senator Inhofe. Ms. Mallory and Ms. McCabe, would you agree that if oil and gas is going to be produced anywhere in the world, it should be in America? And shouldn't we export it around the world so that everyone has access to the cleanest oil and gas in the world?

Ms. McCabe. It is certainly possible, and a good thing, for all energy to be produced in as clean a way as possible. We certainly do have the tools in this Country. And the companies have the tools in this Country to do that.

Senator Inhofe. [Remarks off microphone.]

Ms. Mallory. Yes, Senator, I believe that we have the ability to look at some of the issues that are presented in a way that will improve the quality of the oil and gas, and that is important.

Senator Inhofe. Thank you. A second thing is, we have talked about small refinery exemptions. I talked to both of you about that. When we talked about that, I shared with you that SREs are of great importance for refinery States like Oklahoma.

The Supreme Court has taken up a case, *HollyFrontier v. RFA*, which could decide the future of small refinery exemptions in States like Oklahoma. What I would like to ask both of you, this will be to you, Ms. McCabe, will you commit to encouraging

EPA to delay any action on SREs until after the Supreme Court has issued its decision?

Ms. McCabe. Senator, I believe EPA has already indicated that that is their intent, to wait until after the Supreme Court issues a decision.

Senator Inhofe. Okay. How about you? Do you agree with that?

Ms. McCabe. I wouldn't disagree with that. I am not at the agency yet. But that makes sense to me, sure.

Senator Inhofe. That is fine. And the last thing, I want to get this in, because I won't be here for the second round, so I might as well go over a little bit. Senator Padilla, if that is okay with you, I will go ahead.

This has to do, well, Ms. McCabe, as you know, the United States is heavily reliant on imports of critical minerals used in things from electronics to missiles, and also you are both aware that I spent a number of years as chairman of the Senate Armed Services Committee, so this is right in my area.

Mining is one of the most heavily regulated domestic industries in America with dozens of State and federal laws and regulations. [Remarks off microphone.] The fiscal year 2021 NDAA, that is the National Defense Authorization Act, I was a principal author of that, requires the DOD to assess the sources of our mineral imports the vulnerabilities of the American

mineral supply chain. In other words, we produce them here.

So I am going to ask you, Ms. McCabe, will you commit to supporting a strong domestic mining industry and workforce so as to reduce our dependence on foreign imports of minerals? I ask that question [remarks off microphone] you and I talked about it, [remarks off microphone].

Ms. McCabe. [Remarks off microphone] strong industry here in the United States producing good jobs for Americans, and also attention to making sure that those activities are done in a way that protects our health and our environment.

Senator Inhofe. I am sure the mining industry would be very appreciative of that response.

Thank you very much, Madam Chairman.

Senator Capito. [Presiding] Senator Padilla.

Senator Padilla. Thank you, Madam Chair.

Senator Inhofe, it is not just mayors who get that very personal treatment from constituents. So do council members in many places.

Senator Inhofe. Oh, I know.

[Laughter.]

Senator Padilla. Ms. Mallory, Ms. McCabe, thank you both for your willingness to serve.

A couple of very quick questions for the two of you, then I have two questions, one for each. Number one is, do you believe

in science, yes or no?

Ms. Mallory. Yes.

Ms. McCabe. Absolutely.

Senator Padilla. Do you look forward to making decisions based on science and data, yes or no?

Ms. Mallory. Yes.

Ms. McCabe. Absolutely.

Senator Padilla. Thank you. Next question is for Ms. McCabe. We had a chance to discuss briefly just yesterday, and you recognized that California has long been a leader, not just in environmental policy and stewardship generally, but specifically in the area of fuel economy standards. One of my priorities is to ensure that we restore California's undisputed authority to set fuel economy standards that are safe, affordable for consumers and obviously good for the environment.

California standards are such that several auto makers entered into voluntary agreements with the State of California to make the stricter standards than the prior Administration sought to impose. So the question is another simply yes or no. Would you work with us under this Administration in partnership with California on fuel economy standards that can improve standards and environmental quality nationally?

Ms. McCabe. Senator, if confirmed, I would gladly commit to you to work in partnership with the State of California.

They have been a real leader on these issues of fuel economy and auto standards.

Senator Padilla. Thank you very much.

Next question, for Ms. Mallory. Throughout my time in office, I have prioritized not just environmental protection policy, but environmental justice policies, specifically for communities that have too often borne a disproportionate brunt of pollution, contamination, toxics, traffic congestion, proximity to Superfund sites, etc.

It is an issue that is personal to me. I grew up in one of the first experiences in terms of being active in the community was standing alongside my mother as we blocked trucks from entering the Lopez Canyon landfill in Los Angeles County, California, because of its impact on the community that we lived in, air quality, traffic, trash, et cetera.

Years later, I would serve on the Los Angeles City Council and supported the creation of an environmental justice zone which is a designation that provides extra consideration to the cumulative impacts of new developments for areas that have a high concentration of facilities, such as solid waste processing, recycling, et cetera. You are probably familiar with the fact that in California we have a mapping and screening tool called calenviroscreen, to help identify communities with the most significant pollution burden. It collects data on 20

indicators to help California policy makers identify disadvantaged communities, to prioritize our climate investments.

It is worth noting that California's tool goes further than the EPA's environmental justice screening tool in that California includes some non-environmental indicators like education attainment for populations in the area, high housing costs, unemployment and more. It also allows for identification of cumulative effects that policy makers can compare census tracts and identify communities most at risk.

Thanks to this tool, California has been able to invest 35 percent of revenues from our cap and trade program in over-polluted communities to ensure we are targeting our investments, which serves as a potential model for the new Administration.

Ms. Mallory, my question is, what you think are some of the best ways to identify some of these overburdened communities? Can tools like the environmental justice zone or California's modeling help the Biden Administration meet its commitment to 40 percent of the benefits from clean energy and infrastructure investments benefiting disadvantaged communities?

Ms. Mallory. Thank you, Senator. I appreciate that question.

As we discussed when we met, I think the environmental justice obviously is being given a front and center place in

President Biden's agenda, at CEQ in particular. Among the things that have been tasked to CEQ already is standing up the infrastructure through an interagency task force as well as a FACA, federal advisory committee, working with citizens from across the Country.

But in addition, there is a responsibility to look at a screening tool specifically with the idea that these tools can be really important in helping to understand the extent of the problem, where we should be focusing and locating our energies. So I believe that those are going to be front and center in terms of how the Administration is going to be focusing the issue.

If I am confirmed at CEQ, those would be approaches that I would definitely be keeping in mind and talking to the staff about. As we have discussed, I look forward to partnering with you on that issue if I am confirmed.

Senator Padilla. Thank you very much. Thank you, Madam Chair.

Senator Capito. Senator Cramer.

Senator Cramer. Thank you, Madam Chair. Thanks to both of you for being here, and thank you for the time on the phone. It was helpful to me.

Ms. Mallory, I am going to focus on you for the first five minutes. As you know, obviously, CEQ plays a really important

role in infrastructure review and approvals. Your current employer, the Southern Environmental Law Center, has been a high profile litigant against numerous pipelines within the States that you are now going to have oversight of.

When you joined the SELC, you said it was a "perfect fit." The Atlantic Coast Pipeline was canceled, and one of your colleagues was quoted as saying, "This risky and unnecessary project is on the scrap heap where it belongs, and the decks are cleared." Do you agree with your colleague's sentiment? Is there at least one well-known pipeline project that you ever supported?

Ms. Mallory. Thank you, Senator Cramer, I really appreciate that comment, because it goes to the heart of something that I think is important for establishing with you and the public in general, which is, I take very seriously the role that I would play as a federal official serving the Administration, and in particular, serving the American people. I have had really broad experience, as you have heard, which has brought me in contact with and working with a number of different stakeholders over the past time.

But in the job as the chair of CEQ, if I am confirmed, my job will be focused on serving the American people and serving President Biden's agenda. So those issues, no, they would not drive the way that I approached any particular issue.

Senator Cramer. Have you ever supported a pipeline, and if so, what differentiated that pipeline from the ones we discussed?

Ms. Mallory. In fact, as I said, in my life as a private practice lawyer, I worked with pipelines and helped pipelines get permitted as well. But that was 20 years ago, and what I am focused on now is serving President Biden's agenda.

Senator Cramer. Okay, great, so let's get to something real recent and current. The Dakota Access Pipeline, which as you might imagine, is real important to North Dakota, begins in North Dakota, moves about 600,000 barrels of Bakken crude to market every day. Been operating successfully now for four years without any incidents.

They were recently ordered to redo its NEPA, as you are probably aware. After it was built and safely operating, Judge Boasberg here in the District of Columbia ordered that the pipeline be shut down and required a full EIS to be conducted. Thankfully, the circuit disagreed at least in part with his ruling, and realized that following that decision it wouldn't be shut down. So it allowed the pipeline to stay in operation, thank goodness.

As a reminder, the company did do an EA, instead of an EIS. Now through this external litigation they are being forced kick through shifting goalposts. Of course, it is litigation from

organizations like yours.

Despite what seems to me and I think to most North Dakotans and most people with common sense, the insanity of all of this, the real question comes down, well, let's just say that both the company and the Army Corps of Engineers, the two entities most involved in this, of course, are complying with this EIS, I think everyone should understand that, as ordered.

Should you be confirmed, can you commit that the White House will not interfere with the timely progression of the results of the EIS? I ask that question because we know there is a lot of political pressure being applied to the White House and to the President himself to stop the Dakota Access Pipeline after these four years of successful operation. Can you commit that the White House won't interfere politically?

Ms. Mallory. Senator, I can commit that I will carry out the President's agenda in making sure that the decisions that are made are based on sound science, and full integration of information that we have about issues. I am happy to commit to you that if we move forward and I am confirmed and this issue is before us, I am happy to talk to your office about it.

Senator Cramer. Well, I am happy to do that, except that the science is, I appreciate your commitment to science. The EA was done. And it was done under the Obama Administration and approved by the U.S. Army Corps of Engineers. And the EIS is

being done for all good scientific reasons.

So I would hope, I would hope that that at the end of all that good science and discussion with my folk we can keep the Dakota Access Pipeline operating, lest we become dependent on other nations again.

I think given the shortness of my time, I will wrap it up there, Madam Chair.

Senator Capito. Thank you.

It is my understanding that we don't have other Democrats lined up, so I am going to keep going down the Republican side and go to Senator Lummis by WebEx. Senator Lummis, are you there? All right, we will go to Senator Boozman. Busy day here on Capitol Hill. Senator Lummis, there she is.

Senator Lummis. Thank you. I am so sorry. Little technical difficulties here.

Ms. Mallory and Ms. McCabe, you have both worked at the EPA during the Obama Administration. During your time at EPA, the Obama Administration's Interagency Working Group on the Social Cost of Carbon met behind closed doors with no public engagement to revise what is known as the social cost of carbon. Federal agencies use this figure to justify regulations on greenhouse gas emissions, no matter how large or how small.

My question is this. During your time there, were you in any way involved in this working group? And if you were, please

detail your role.

Ms. McCabe. Senator, this is Janet McCabe. I was not involved in the working group to develop the social cost of carbon.

Ms. Mallory. Senator, CEQ was a participant in the working group on the social cost of carbon during the Obama years.

Senator Lummis. Thank you for saying so. The interagency working group did not publicly list individuals that contributed to the work group's efforts. Public input was limited. President Biden reconstituted this working group and directed it to revise the existing costs. Only five of the 12 Senate-confirmed positions that lead agencies in the working group are confirmed thus far. Last Friday, the Administration reverted to the Obama-era cost estimates.

So I raise this issue to reinforce the need for openness and transparency in how critical data is developed. I think this is particularly important when the figure is used to rationalize costly job-killing new regulations. This is an issue that is important to my State, so hence my raising the issue.

Moving on, if confirmed, will you inform this committee and the public of CEQ or EPA's participation in the Interagency Working Group on Social Cost of Carbon, including all offices and staff that are participating and representing your

respective organizations?

Ms. Mallory. Senator, I can say that CEQ definitely expects to be involved in the social cost of carbon working group going forward. That has been laid out already by the President in the Executive Order. That process before, under the Obama Administration, was one that went on for a number of years. There was extensive public process associated with it before a decision was ultimately rendered, which is why understanding is that the Administration felt they could move forward with an updated version of that estimate now, while a new process is being set up and opportunity for public participation will be included in it.

Ms. McCabe. Senator, that is my understanding as well. I agree with Brenda, I expect there will be a process that will involve people having an opportunity to weigh in.

Senator Lummis. Thank you for that. So I am assuming that both of you support using the regulatory review process for future revisions to the social cost of carbon.

Ms. Mallory. Senator, I am not sure what you mean by regulatory review process. I think that the process that was previously used to ensure that there was an opportunity for input by the public and experts in the area is what is anticipated at this point. That is my sense from the outside.

Senator Lummis. Well, we have recommendations that the

working group go through a full regulatory review process to revise the cost estimates, then relying on studies that were subjected to a less rigorous journal review process. So what we will do is try to get that information to you about concerns that have been expressed. We want to make sure a consequential scientific analysis is done.

Ms. Mallory. Thank you.

Ms. McCabe. We are here and listening. I don't think you will have any disagreement from us that any decisions such as this be based on sound science and well vetted studies that folks have an opportunity to see and weigh in on.

Senator Lummis. Thank you very much.

Mr. Chairman, I yield back.

Senator Capito. Thank you. Senator Markey, by WebEx.

Senator Markey. Thank you to both of our great panelists for being here, thank you for being willing to serve.

As you both know, we are in a climate crisis right now and we need to move forward aggressively in order to deal with this crisis. I would like each of you, if you would, just to give me a sense of your commitment to ensuring that we unleash this clean energy revolution that can help to deal with the climate crisis.

Ms. Mallory. Senator, I am happy to give you the commitment that I will carry out the responsibilities of CEQ if

confirmed in a way that advances President Biden's agenda and in an aggressive way.

Ms. McCabe. Senator Markey, this is Janet. We can't see you, so we are all sort of looking around the room.

There you are. It is great to see you. You have my commitment as well, that if I am confirmed as deputy at EPA, I will work with the agency, with all the other agencies in the Federal Government, and with this body to address the serious issues of climate change across this Country.

Senator Markey. Thank you so much. The workers at the EPA, they give up their lives, they dedicate their careers to helping protect the American public against the worst, most insidious dangers that are created by pollutants and other dangers to our society. These workers need to be protected. I know that it is something that absolutely has to be done.

That is why I signed onto the EPA Workers Bill of Rights, to fight for scientific integrity and healthy working conditions. That includes the 8,000 members of the AFGE working at the EPA.

So are you committed to ensuring that we create a safe working place for these workers? Ms. McCabe?

Ms. McCabe. Yes, Senator Markey, it is the staff at EPA that bring environmental protection and public health protection to this Country. That is the main reason I am so honored to be

considered for this position, is because my main job, as I understand it, would be to support the amazing workforce. They need a safe environment, and they need support, they need respect. They need to be in the room and consulted, because they have expertise to bring to the table. The agency can't make good decisions without that workforce.

Senator Markey. Thank you.

On the issue of environmental justice mapping, Senator Duckworth and I introduced legislation on this issue to make sure that we can actually see the full picture of what is happening in our Country, so that those communities that have always historically been most adversely impacted, Black, Brown, immigrant communities, are seen so that as we act we ensure that we are giving the protections to those communities.

I would love to hear each of you speak about that issue, and the need to focus upon it over these next four years. I know that Senator Padilla has already raised it, but I would love to hear you expand a little bit more on this.

Ms. Mallory. Sure. Thank you, Senator Markey. As we discussed in our conversation, the President has made environmental justice a central element of his agenda, and a central element of the work that CEQ will be doing. So I look forward to working with the staff and really with the rest of the Federal Government as we move forward on this issue.

As I said to Senator Padilla, one of the issues that is already identified in the Executive Order that the President issued is the need to look at better tools to help understand where the communities are and where activities are most needed from the work that we are doing. So I also expect that to be part of the work that I would do at CEQ, if confirmed.

Ms. McCabe. Senator, I will just add that ejsscreen, EPA's screening tool, was developed when I was at EPA before. We heard Senator Padilla talk about the amazing system in California. I have actually been working with a colleague and some students at Indiana University on a review of about 17 different environmental justice screening tools that different States or universities have developed. It is amazing to see the different approaches.

So I think there is a lot to work from in terms of developing a tool that is usable and can be kept up to date and is really meaningful and will help everybody make good decisions about focusing on areas where the protections of the environmental laws may not have been realized over the history of the Country.

Senator Markey. Without question, and Chelsea, Massachusetts is just a perfect example of where it is just the most densely populated city in New England, has high minority population, it is right next to the airport, the oil tankers,

the idling diesel trucks. So they have the highest level of asthma, and also the highest level of coronavirus, both respiratory illnesses. So you can see how it all interacts together.

So it is time for us as a Nation to ensure that environmental justice is made a priority.

We thank both of you for your willingness to serve our Country. And I thank you, Madam Chair.

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

I think Senator Cardin is next. I ran into him in the hall coming down here, and he asked me if anybody had raised any questions about the Chesapeake Bay. So that is like a pitch for a telegraph.

Senator Cardin. Mr. Chairman, I was surprised to find out that the answer was no.

Senator Carper. Senator Cardin.

Senator Cardin. I rushed into the hearing room to make sure that we had the Chesapeake Bay properly protected.

Let me first thank both of our nominees for your willingness to serve in these critically important positions. We know it is a challenge, any position in public life, but particularly when you are dealing with these issues. We thank you and your families for being willing to make this commitment to public service.

So Chairman Carper has given me the perfect introduction, for Ms. McCabe first, the commitment toward the Chesapeake Bay. Every chance I have, I like to underscore the efforts that have been made on the Bay for over, now, 30 years, maybe 40 years. We started in the State legislature. It was really from the locals up, it was not a federally mandated program. It started with the local governments and other stakeholders, including our farmers, our developers, our local government units, coming together with a science-based approach to try to deal with the challenges of the Chesapeake Bay.

It is not easy. It is a complicated body of water. It doesn't flush itself as frequently as other bodies of water. It is a national treasure, declared by numerous Administrations. And we have made a lot of progress. The water quality is certainly a lot better than it would have been without the efforts we have made. But we still have a lot of challenges to go.

The first question I have is that, in a previous Administration, the Obama Administration, we had a person designated for the Chesapeake Bay as the coordinator within EPA. We found that to be very helpful, because it really did help the seven States, the six States and D.C., in coordinating our efforts.

Can you tell me, Ms. McCabe, your commitment if confirmed

in working as a federal partner in the Chesapeake Bay and putting a spotlight within EPA for those efforts?

Ms. McCabe. Thank you, Senator Cardin. I really enjoyed talking about this with you the other day. These special places, these incredible places in our Country are where people live and work, and what animates them to make things better. In my neck of the woods, it is the Great Lakes. And it is the same thing: you need everybody from the bottom up and the top down around these incredible resources to be working together.

I know you talked with Secretary Regan about the idea of how to focus attention on the Chesapeake Bay at EPA. Certainly if I am confirmed and able to work with him, we will do what we can to work with your office and make sure that the agency is focusing the right resources on this special area.

Senator Cardin. I thank you for that.

Ms. Mallory, I want to talk a little bit about a subject, I hope I don't get you into any trouble in this nomination hearing, but about NEPA and the regulatory process. I say that because we all want to streamline the process. We want it to move as quickly as it can.

But there is a real purpose for the review process, including look at the social impact on communities, the impact of emissions as it affects climate change, which is one of our greatest challenges in the Chesapeake Bay, is the sea level

rise, an issue dealing with the warming in the bay.

Can you tell me your commitment to use the process to make sure that there is social justice, environmental justice, and that communities' views are in fact, that they have an opportunity to be heard in the review process?

Ms. Mallory. Thank you, Senator Cardin. I appreciate the question. I know we talked about this a bit when we met as well.

What I can tell you is that I view the challenge of finding a way to ensure that NEPA is serving its multiple purposes, and in a way that allows the President's full agenda to be met as the challenge that we face. It not only has to create an opportunity for there to be a full, robust analysis of the impacts on major projects. It has to create an opportunity for there to be a way for citizens and the community to engage. But it also has to be done in a way that ensures that we have significant infrastructure projects, and that economic recovery, which is based on those projects, can occur.

I think that is our challenge. I think that is what I see myself, if I am confirmed, trying to search for the opportunities that allow those things to occur at once.

Senator Cardin. I just really want to underscore President Biden's program of Building Back Better. We talk about building back better, it seems to me that the process that we use is

critically important to make sure at the end of the day we have an America that is resilient, that adapts to the realities of where we are, and is contributing to the environmental justice, not only the local community, but the global community. It seems to me that CEQ plays a critical part in making sure we build back better.

Ms. Mallory. I couldn't agree with you more.

Senator Cardin. Thank you. Thank you, Mr. Chairman.

Senator Carper. Thank you, Senator Cardin.

I understand we have been joined by Senator Sullivan.

Colonel, are you there?

Senator Sullivan. Captain, I am here, sir.

Senator Carper. Navy recognizes Marine Corps. Go ahead.

Senator Sullivan. Thank you very much, Captain.

Ms. Mallory, Ms. McCabe, thanks, and thanks for your willingness to serve. I appreciated the opportunity to meet with both of you.

So let me just get a commitment, if confirmed, can I get you up to Alaska soon, in the first year of your tenure? There are a whole host of issues that are impacting my State right now. I am going to go into them. But it is not like being on the ground in the largest State in the Country with very unique challenges.

Can I get that commitment from both of you, if confirmed?

Ms. Mallory. Yes, Senator, I would make that commitment to go to Alaska. We did talk about a number of the unique issues that Alaska faces. To have an opportunity to see that, I would appreciate it.

Senator Sullivan. Great.

Ms. McCabe. Likewise for me, Senator. I have had the pleasure to be there once before, and would gladly go again.

Senator Sullivan. Good. And it can be in the summer. I was back in Fairbanks last weekend, and it was about 38 below zero. So it doesn't have to be in winter, but maybe it is good to see it at 38 below zero, too, there are a lot of unique elements to living in communities like that, great people, tough people. But it would be great to have you up there.

Let me go into a couple of issues. I talked to both of you about the balance on the environment and other things, like jobs. I also want to talk about environmental justice, maybe not from the perspective that it is always talked about.

But on jobs, we are in a recession. My State is in a really hard, difficult economic challenge with regard to the pandemic. Yet the Biden Administration in its first six weeks has launched seven executive orders that have either focused directly or indirectly on my State. Seven. There is no State that is getting love from the Biden Administration like mine. We don't view it as love. We view it as a war on working

families and jobs in Alaska. It is incredibly concerning.

I guarantee you, Delaware, no other State in the Country gets seven, really eight if you consider the latest Biden-Trudeau joint statement which focused on ANWR, to really attack my State and working families and jobs. Can I get you to just briefly explain how you balance environmental protection, which we in Alaska care more about, trust me, Alaskans care more about protecting our environment than anybody in EPA or CEQ, Democrat or Republican Administration.

How do you balance the challenge? Right now, there are projects almost daily in my State where people are losing jobs. Good jobs, yes, oil and gas jobs. They are relevant by the way, Mr. Chairman. And very important in America. Yet they are under assault. Help me with this. My State is reeling. And the new Federal Government Administration, seven EOs attacking Alaska. There is nothing like it, and we are not enjoying it.

Ms. Mallory. Thank you, Senator. I appreciate that question.

You are hitting on, I think, the major challenge that we see as an Administration, in trying to address the climate crisis and prepare ourselves for a future that allows all of us, and all communities, to live better and to live in ways that don't have the extreme impact --

Senator Sullivan. Ms. Mallory, I am going to interrupt

here. Sorry, I don't want to be rude. But you know, even our Country has reduced greenhouse gas emissions in the last 15 years from 2005 to 2017 by almost 15 percent. More than any major country in the world by far. It is not even close, China is doubling theirs, we are reducing it. Almost all that is due to the revolution in natural gas, with good jobs.

Right now, all we are seeing from the White House is, we are going to restrict production of energy, kill the jobs, and the result is, no good jobs and importing more gas from Russia, oil from Saudi Arabia. None of this makes sense. You don't kill American jobs in energy production to address the climate crisis when natural gas is actually helping globally, no doubt, with the reduction of greenhouse gas emissions.

Again, how do you square this? Because I keep asking the question about jobs, and I get, well, we have to sacrifice jobs, well, we are going to make, John Kerry, we are going to help people make good choices in their jobs. That condescending attitude really, really ticks me off, and it really insults the people I represent.

Ms. Mallory. As I was saying, Senator, I think the importance of jobs as part of the clean energy economy that we are aiming to build, I think, is central. We understand that people are suffering now, and I think, I know personally, I understand what that means when people are suffering because of

the loss of their jobs. Our goal is to get to a place where we can have an economy on which we can all plan for a future that recognizes the climate impacts that we are experiencing.

Senator Sullivan. Does that mean States like Alaska that produce energy have to sacrifice jobs?

Ms. Mallory. I think it means for States like Alaska that there is a unique transition that has to occur there, and that we have to work more closely with you in figuring out how to do that in a way that protects people. That is the goal.

Senator Sullivan. Let me ask a really important question. My understanding in a recent meeting with the President of the United States, and he was fully endorsing natural gas as a transition fuel. The President. John Kerry said he doesn't. I think the White House needs to figure out who is speaking for whom on energy policy. I think it would be the President.

Do you two support natural gas, robust production of natural gas and natural gas jobs as an important transition fuel? The President of the United States does.

Ms. Mallory. I think gas is a part of the transition, for sure.

Ms. McCabe. Senator, I would agree. I think the President has made clear that we need a wide variety of fuel sources to move us forward toward a cleaner energy. The point is getting carbon out of the air, Senator, regardless of the fuel source.

Getting carbon out of the air, that is what is fueling climate change.

Senator Sullivan. I am going to show you this map. I think I have shown it to both of you, and hopefully you can see it. Can you see this map?

Ms. Mallory. Yes.

Ms. McCabe. Yes.

Senator Sullivan. Okay. So this is an AMA study. Mr. Chairman, I am having a hard time seeing my time, so I am probably almost up here. You can cut me off whenever you need to.

That is an American Medical Association study from 1980 to 2014. It shows where Americans increased their life expectancy. The blue and the purple are the dramatic increases.

There are a couple of places in America, mostly yellow and red, unfortunately, where the life expectancy of Americans decreased. My State had the biggest increase by far of anybody, up to 13 years. There is no better policy prescription than, are your constituents living longer because of policies.

There is a lot of talk about environmental justice. These are mostly Alaska Native communities, where the increase in life expectancy was huge, ten years or more in some communities. The reason there was such an increase in life expectancy is because there was significant resource development opportunities, where

these communities now have running water and gymnasiums and clinics, those things that Americans take for granted.

This happened because of resource development happened, oil and gas, mining. And my constituents are very nervous, not about jobs, but literally about whether they are going to live longer if you have an Administration that is going to target these kinds of job opportunities and income.

So this is environmental justice in a huge way. Are the people you representing in minority communities living longer? The answer is yes, because of responsible resource development. What we are scared about right now is that, with these targeting EOs against Alaska that this trend might be reversed. Can you talk to me about environmental justice --

Senator Carper. Senator Sullivan, you are almost three minutes over your time.

Senator Sullivan. I am sorry, Mr. Chairman. I will submit this for the record.

Senator Carper. If you could do that, that would be great.

Senators, I don't believe you have had an opportunity to ask a question. Let me see if Senator Whitehouse is with us. Senator Whitehouse?

Senator Whitehouse. Yes, I am. Here I come on video as well.

Thank you, Chairman.

Senator Carper. There you are, good. Welcome.

Senator Whitehouse. First of all, congratulations to both of you. I look forward to working with you to solve the urgent climate crisis that faces Rhode Island and the rest of the planet.

As you know, under present projections, if we don't get our arms around this, we are going to have to redraw the map of Rhode Island, because our coastline is going to change dramatically. We are going to lose enormous amounts of coastal property, and coastal livelihoods, to all of this. It is a big enough deal that even Freddie Mac is warning about a coastal property value crash that cascades through the rest of the economy, a little bit like the 2008 mortgage meltdown.

So this to coastal States like mine is deadly serious. I wanted to ask first, Ms. Mallory, the social cost of carbon has just been revived by the Biden Administration, which I am very happy about. I think CEQ is probably going to oversee updating the number. We went back to the last established number, which I am glad we did. But we also need to make sure that the number is the most accurate number.

We also need to make sure that the social cost of carbon figures into as many administrative decisions and calculations as possible. Could you comment on where you intend to go at CEQ with the social cost of carbon?

Ms. Mallory. Sure, Senator, thank you for that question. As you know, since I am outside of the Administration at this point, I haven't been engaged in any of the conversations about the social cost of carbon or the action that the Administration took last week. Under the executive Order that was issued several weeks ago, it identifies CEQ as a participant on the work group for the social cost of carbon, but the leads are in other organizations, OMB and I think the Council on Economic Advisors.

But we fully expect to participate in the work group as we look at the issues. Among the issues that were laid out last week and what the White House released was an indication that part of the analysis will consider what types of actions should be, where the social cost of carbon should be used.

So I think the question you are raising about the scope of the social cost of carbon is one that will be front and center in the work group activities that will go forward in the year. I do expect CEQ to be a part of that.

Senator Whitehouse. Let's talk about oceans and coasts for a minute as well. The impact of climate change is obviously very strong in oceans. The chemistry is changing. They are acidifying, they are warming, it is multi-Hiroshima atom bomb equivalent of heat energy being added per second to the oceans per second, sea levels resultantly rising, fish populations

moving around. As one Rhode Island fisherman said to me, things are getting weird out there, Sheldon. This is not my father's ocean.

Regrettably, I think we pay very little attention to that, even in the environmental community, because we are terrestrial beings. But the dangers of the oceans, if currents shift, or if we lose massive fisheries, or can no longer support coral reefs, are going to be immense. I hope I will have your commitment to look hard at these oceans and coasts questions, to take a particular look at the flood insurance program along the coasts. NFIP is up for renewal this year. At the moment, we have just been kicking the ball down the road, paying no attention to real reform.

We also have, and Dan Sullivan and I have done a lot of good work together, we also have the critical ocean plastics problem that the U.S. can play a big role in fixing. We are headed for a world of more plastic in the oceans than living fish in the oceans. That is not something that I think we should leave to our grandchildren.

So could you comment on the role of oceans at CEQ?

Ms. Mallory. Yes, absolutely, Senator. Oceans have been, at least in my knowledge of CEQ, have been a part of the agenda for some time. We fully expect it to be a part of the agenda this time if I am confirmed.

Oceans is an area that we have partnered with the OSTP, the Office of Science and Technology Policy, around those issues in particular because of all the changes that you were describing in your opening in terms of figuring out what is the path forward. I fully expect to participate in that process.

Senator Whitehouse. Chairman, do I have any time left on the clock?

Senator Carper. You are a few seconds over. If you have a short question, go ahead.

Senator Whitehouse. Ms. McCabe, methane. How much do you know about methane leakage, how much do we need to know, and what are you going to do?

Ms. McCabe. Thanks, Senator. This is an issue where there has been continuing research on understanding the levels of methane, where it is coming from and what we can do to reduce it. Methane is a very powerful climate forcing pollutant.

So I look forward, if confirmed, to working with the scientists at EPA and everywhere to understand this issue as well as we can. If we don't know what is out there, it is very hard to have sound policy around it.

Senator Whitehouse. Thanks, Chairman. I would just point out that if you don't know what your methane load is, your methane leakage load, it is hard to assess how good natural gas is as a climate alternative. Thanks very much.

Senator Carper. Senator Whitehouse, thanks very much for joining us. Senator Ernst, you are next.

Senator Ernst. Thank you, Mr. Chair. I appreciate it.

Ladies, thank you so much for being here today. I really do appreciate the opportunity to sit down with you face to face and ask a few questions.

For both of you, please, in a February interview, White House National Climate Advisor Gina McCarthy had stated, "We have to get the middle of the Country understanding and active on climate. We have to show them what resilience looks like." Would you both agree with this statement and why or why not?

Ms. McCabe. Since I come from the middle of the Country, maybe I can go first. I work at an organization set up by Indiana University called the Environmental Resilience Institute. Folks in the Midwest are very aware of what is going on in their environment, and very eager to work across their States to come up with approaches that will allow them to be more resilient in the face of environmental challenges.

Senator Ernst. Ms. Mallory?

Ms. Mallory. Senator, I don't know the context of that statement, but what I do know is that we see the impacts that are affecting different areas of the Country very differently. I think it is important for us to understand what those differences are, and what the tools are that are available for

us to address it.

So I think it is an important part of understanding the climate impacts that we are experiencing if we are going to figure out ways to address them.

Senator Ernst. Certainly, I would agree. Thank you, Ms. McCabe, as well. I know that we had such a great discussion about solutions from the land, and so forth. I just want to emphasize that what the climate advisor is stating when she addresses the middle of the Country I would want to point out to her, and I hope in your capacity, if confirmed, you would be able to communicate that we are concerned about resilience in the Midwest and across the middle of the Country.

Right now, in Iowa, wind energy provides 40 percent or better of our electric, more than any other State. We didn't have to have any big mandates coming from the Federal Government to do that. It is something that we are driven to do in the Midwest. There weren't any job-killing mandates, no additional taxes, no fees. It was all very incentive-driven by the people in Iowa and the companies that supported those programs.

The latest data from a Harvard study also shows that first generation ethanol, Iowa is the number one producer of ethanol, reduces emissions by 46 percent and biodiesel produced from soy is 66 percent to 72 percent less carbon-intensive than petroleum diesel and biodiesel from other types of feedstocks.

So this was an affront. Many of us across middle America have taken this as just another example from Ms. McCarthy as a "we know best" attitude that is pretty common amongst our coastal elite counterparts. I think that Iowa has set a very, very good standard for others to follow. I hope that if given the opportunity, you will visit us in middle America, and see some of the wonderful things that we are doing in the space of green energy.

Again, it is not driven by big federal mandates. It is because we believe in what we do, and we as Midwesterners have resilience.

I want to talk about permitting as well. Ms. Mallory, permitting. As you know, on January 21st, President Biden revoked President Trump's August 2017 Executive Order that created the One Federal Decision policy, which requires agencies to process as one federal decision environmental reviews and authorization decisions for major infrastructure projects. Infrastructure is going to be a hot topic for a number of years. And to complete the NEPA process within an average of two years.

Do you agree with President Biden's decision, why or why not?

Ms. Mallory. I would say that that Executive Order revoked that Executive Order, but also told CEQ and OMB to look at that policy, to see whether or not it should be revised or

reinstated. So I don't think the issue is off the table. In fact, I also believe that the elements of the One Decision policy are integrated into the 2020 regulation itself.

So the issue has not gone away. The question is, is there a way for us to address the approach to permitting in a way that also responds to the other values that we are going after, making sure that you have good data, making sure that communities are participating, making sure that we can do it in a way that ensures that we get our projects done in a timely manner.

Senator Ernst. Thank you. I do believe we need to find ways to speed along the permitting process, of course, taking into account our values. But certainly, infrastructure will continue to be a very important topic for us to discuss, especially right here in this committee.

Thank you, Mr. Chair, very much. Thank you, ladies, for being here today. I appreciate it.

Senator Carper. Senator Ernst, thank you so much for joining us and for your questions.

Ms. McCabe, how far away is Indianapolis away from Iowa?

Ms. McCabe. From Iowa? It is pretty close.

Senator Carper. How close?

Ms. McCabe. You sort of go halfway across Indiana, then you do Illinois, and then you are there.

Senator Carper. Have you ever been there?

Ms. McCabe. To Iowa, I am sure that I have been to Iowa.

Senator Carper. All right. You may want to go again.

Senator Cramer, you are next. Senator Capito and I are going to yield to you and if no one else shows up, then we will wrap it up.

Senator Cramer. All right, thank you very much.

Since Senator Ernst raised the issue of Ms. McCarthy's comment about resiliency and the ignorance of the Midwest, I am going to tag onto that a little bit. I am not going to brag so much about all the wind that we have in North Dakota; we do have a lot of it.

But I would say this. Winter is an annual event, it is not a vortex. We don't shut the lights off because it is cold. We crank up the coal and the gas to make sure that people stay warm. We don't shift the gas away from manufacturing or heating homes to go over here to a peaking station. We have been talking about the resiliency of the grid for decades before it was the cool thing to do.

So we really, I would just say to you, Ms. McCabe, I am all about second and third and fourth chances. I am grateful for all of them that I got. You have a steeper hill to climb, frankly, than most. Largely because in 2014, you stood, you sat before this same committee and promised federalism. You did it

again today, promised federalism, considering the States, listening to the States.

Yet the Clean Power Plan proved to be one of the most overbearing big government impositions on States ever, which is why 26 States successfully litigated it, including mine.

One of the biggest problems, and this is why you have a lot to answer for, frankly, with regard to what you call your proudest accomplishment. The proposed rule, the Clean Power Plan, required North Dakota to cut its CO2 emissions by 11 percent. Now, reasonable, nice Midwesterners say, 11 percent, don't like it, I don't like the prescription. That is another whole factor. But we could probably do 11 percent.

Then of course, the final rule comes out, and since everybody just said, well, 11 percent, let's play along, let's do our part, rather than stand against this thing. It was 45 percent. Forty-five percent, just dropped on a State like North Dakota, that either way is one of the handful or so of States that meet all ambient air quality stands as prescribed by the EPA. We are very proud of that. We love our air. We love our land. We rely on all of that.

So, and I have been pushing Mr. Regan really hard on this. I voted for him out of this committee, with an understanding that he is going to keep an open mind and he is going to talk to the people of North Dakota, and that he is going to be sincere

about it. And he seems to be. Your history with us makes it a lot more difficult.

So, that lack of transparency and stakeholder interaction, particularly with middle America, is a tough one for us to get over. For me to vote for you, I would have to explain myself pretty clearly to North Dakotans. So I am going to give you the moment for a couple of minutes to tell North Dakotans why we ought to give you another chance at this.

Ms. McCabe. Senator, I really thank you for being so candid with me. I am sorry we didn't have a chance to chat before the hearing. I hope we will have a chance to chat afterwards. I would love to do that.

I understand your position and what you are saying. I have to tell you that when I was working at EPA before, I was absolutely sincere in my commitment to involve everybody. I know that there are many who disagree with the outcome of that rule.

But in terms of listening to people and hearing people and taking everybody's perspective into account, we certainly did that in the lengthy process that we went through on the Clean Power Plan. The final rule, as I said a minute ago, the rule was about carbon emissions. My State is also a State with a lot of fossil energy. It had a large reduction expectation as well.

But what we tried to do in that rule was build a very

flexible approach. We talked for hour and hours with State officials about how to do this in a way to provide flexibility so that the goal of the rule, which was to reduce carbon emissions, could be done in the most flexible way, giving States as many options as possible to work together, to work internally, to work with other States all across the Country to make that happen.

I think we have had success in this Country with programs like the Acid Rain Program, in allowing flexible approaches to do these things affordably.

Senator Cramer. I would submit to you that you have had success in lots of areas, NOX, SOX, mercury, particulate matter, because you worked with States and stakeholders and the innovators that actually do the production of the energy met those. But when you pull a bait and switch from 11 percent to 45 percent, it is hard to, whether you go outside the fence line, or whether you stay inside the fence line, these are important matters, as you know. It is why the litigation was successful.

I appreciate your answer. Don't worry, I will always be candid. But I will always do it with a smile. I appreciate it. Thank you. I yield my time.

Senator Carper. When he is not smiling, you know you have a problem.

I think next up, joining us by WebEx, is Senator Lummis. Senator Lummis, are you there?

Senator Lummis. Thank you so much, Mr. Chairman. I am in between hearings, so I am going to be quick.

First of all, I really want to thank both Ms. McCabe and Ms. Mallory for spending time with me before the hearing. We are dealing with some of the same tough problems that the Senator from North Dakota just mentioned.

I would tell you with regard to refineries specifically, I live right next door in Cheyenne, Wyoming, to the HollyFrontier Refinery, which just because of the small refiners exemption and the inability to get that exemption, we lost 200 jobs because that oil refinery is being converted into a soybean refinery. The 260 jobs that were there are now 60 jobs. Those people were moved elsewhere in the Country.

So it was a tremendous blow to us. These things are happening as a consequence, a direct consequence, a singular consequence, of federal regulation.

So my question for Ms. McCabe is, in the wake of these refinery closures and downsizing, and the resulting increases in imported fuels, how will you ensure that EPA policy doesn't weaken energy security by increasing dependence on imported fuels?

Ms. McCabe. Thank you, Senator. Certainly, energy

security, energy independence, and affordable energy are critical priorities for this Country and for this Administration. So if I am confirmed, and to the extent that my duties involve me in these kinds of questions, I will have that very, very much in mind.

Senator Lummis. The jobs issues for our States, as you have heard from Senator Sullivan and Senator Cramer and others, it is hugely consequential. You can say in theory that jobs will not be lost or people will be retrained or energy that is non-emitting will replace the jobs of emitters. But in fact, it just hasn't happened that way.

So it is important that we protect jobs at the same time that we are protecting the environment and making environmental improvements. We want that. As Senator Sullivan says, nobody cares more about the environment in their State than the people who live there. That is true in Wyoming, too, and we are very proud of our environmental record.

But we are very concerned about approaches that set targets that just cost jobs and don't improve the environment. I want to work with you on these issues, believe me, I do. It matters so much to our State.

Thank you for your time. Thank you for your willingness to step up.

Mr. Chairman, thank you for the time today as well. I

yield back.

Senator Carper. Senator Lummis, thanks so much.

I think Senator Kelly may be out there somewhere. Senator Kelly, can you hear us?

Senator Kelly. Yes, Mr. Chairman. Thanks for holding this important hearing. And thank you to Ms. McCabe and Ms. Mallory for joining us today, and for your willingness to serve in these roles. Both of these positions to which you are nominated are very consequential to the State of Arizona and for our Country.

So let me just jump in with a question here. I want to start with Ms. Mallory.

Ms. Mallory, the Council on Environmental Quality is essentially the compliance officer for every environmental impact statement issued by a federal agency under the NEPA process, the National Environmental Policy Act.

Arizona is one of the top mining producers in the world. To get to a carbon free future, we need to have copper, lithium, nickel, cobalt and other strategic minerals to build solar panels and to build electric vehicles and high capacity, high density batteries. The World Bank estimates that 3 billion tons of minerals are needed for green technology worldwide to accomplish this. And I fully support the NEPA processes that are out there.

But the average time it takes to permit a mine in the U.S.

is about 10 years, in part because of the lengthy and complex federal permitting and EIS review process. We need strong environmental reviews.

But is there a way that you know of, is there a way to increase the speed and accuracy of environmental impact statements for mines that produce critical minerals without compromising the integrity of NEPA?

Ms. Mallory. Thank you, Senator. As I was saying earlier, I think that in some ways, that is the challenge that CEQ is facing right now for a number of activities. Infrastructure is the topic we were discussing before.

I think the issue is, as you have emphasized, we need to make sure that we are not making changes to our process, a process that has been in place for over 50 years, that undermine what the goal is. At a time when the environmental impacts that we are facing from climate change and other things are so grave, we don't want to lose the value that the NEPA process can bring to our decision making.

But we also need to figure out ways that will allow us to make these important decisions in a timely way. So that is the charge that I believe is central to the role that I would play at CEQ if confirmed.

Senator Kelly. Thank you.

I think I have a couple more minutes. Let me address the

next question to Ms. McCabe. Luke Air Force Base last week, it is in the west valley of Phoenix, announced recently that recent tests of the drinking water near the base tested positive for high levels of dissolved PFAS, PFOA and PFAS, in excess of the EPA's lifetime health advisory for drinking water. That has prompted the Air Force and the Arizona Department of Environmental Quality to urge more than 1,600 homes, 1,600 of them, and neighboring businesses, to avoid drinking tap water. The Air Force has begun, as they should, distributing bottled water to affected Arizonans.

PFAS contamination is not just an issue in the west valley. To date, more than a dozen water systems across Arizona have found high levels of harmful PFAS chemicals. Yet, as you know, the EPA has not designated PFAS chemicals as hazardous substances.

So if confirmed, what steps do you believe the EPA could take to help protect Arizona communities, especially those near our Air Force installations and airports from PFAS contamination?

Ms. McCabe. Thank you, Senator.

This is an issue that is affecting the entire Country. I know that areas around military bases are often finding these contaminants in a way that is really concerning.

My understanding, and Senator, these areas are not my

historical areas of expertise. But I know that there are a number of different approaches that are within the environmental statutes, environmental authority of EPA, to be looking at this chemical. Steps are already being taken by this Administration to move forward on those.

If I am confirmed and if Secretary Regan asks me to help work on these issues, I certainly will be working with your office, other members of Congress and all stakeholders to move these issues forward in appropriate legal mechanisms to bring protection to the drinking water of this Country.

Senator Kelly. Thank you for that. I look forward to working with you as well, Ms. McCabe.

Mr. Chairman, apologies for taking a little extra time here.

Senator Carper. No apology necessary. Thank you, Senator Kelly.

As it turns out, Senator Kelly, our Ranking Member and yours truly have a keen interest in PFAS groundwater pollution, both in West Virginia and in Delaware. We are told about 300 communities across the Country where this is a real problem for families. We are anxious to get going on it.

All right, Senator Wicker was here. Here he is. Senator Wicker is here.

Senator Wicker. Thank you, Mr. Chairman.

Mr. Chairman, I would note Senator Kelly is a junior, brand new Senator, otherwise he would not have felt he should apologize for taking an extra 25 seconds.

Senator Carper. That is probably the first and only time we will hear that apology.

[Laughter.]

Senator Wicker. I think he made a great point. There are minerals in his State of Arizona and all over the United States that are vital to manufacturing clean technology. Yet they have to be mined, and somehow the mining regulations need to be loosened up a little so that these essential minerals can be utilized to make the environment better. Good point there from Senator Kelly.

Let me ask you this, Ms. Mallory. Do you agree that wood is a cost-effective, energy-efficient and sustainable solution for building construction?

Ms. Mallory. Senator, I feel like there is a technical aspect to that question that I am not sure I understand. I believe that wood is an important ingredient. I don't know if I would go so far as to say it is cost-effective and whatever the last words were.

Senator Wicker. Okay, that is a bit telling right there. Let me just say that it is compared, I believe that it is, and I believe most Americans do. Also as compared to other building

materials, wood products are derived from a renewable resource and are responsible for less air pollution and less water pollution.

That brings me to an act by the EPA back in 2015, where they issued an interim regulation for federal procurement of wood products based on the Council on Environmental Quality implementing instructions. The recommendations, which happily have been overturned, would have resulted in potential exclusion of wood products from over 95 percent of U.S. timberlands, including more than 80 million acres of certified U.S. forests in federal procurement projects.

We were able, in the 2018 Farm Bill, to include a provision which prohibits procuring agencies from establishing regulations against procurement of such excellent sources of construction as bio-based products.

Let me just ask you, are you aware that there are a lot of alliances of wood-growing entities around the Country that are concerned that the new Administration could work around this solution in the Farm Bill and implement regulations similar to the one we had in 2015, which basically disadvantages disadvantaged forest resources in almost all of the 50 States?

Ms. Mallory. Senator, I am not really aware of the alliance that you are speaking of, but I would be happy to learn more, if confirmed. I understand that biomass and bio

ingredients are an issue that is getting, and should get, more attention in terms of figuring out what our climate solutions are. And I am happy to be part of that.

Senator Wicker. I appreciate that assurance. Let me just say that the resistance to what was attempted in 2015 was bipartisan and it covered almost every geographical area of the United States, from the southeast where I live up to New England and other areas.

Briefly, Ms. McCabe, there was a feeling back in the Obama Administration when developing the Clean Power Plan that there was a Washington, D.C. decision forced on the States, and we didn't have a practice of cooperative federalism then. Do you agree that by working with State environmental agencies, we can oftentimes result in the same efficiencies and the same clear result by listening to local and State regulators at the same time?

Ms. McCabe. Senator, I totally agree that EPA has to do its work in partnership and cooperation with State and local agencies.

Senator Wicker. Thank you very much.

Mr. Chairman, I am delighted to yield back 24 seconds.

[Laughter.]

Senator Carper. It is a record.

All right. I thank you for those questions.

I do have some follow-up questions of my own, but I will save them until the end.

Senator Capito, please.

Senator Capito. Thank you, thank you both. We are closing in on it here.

I wanted to get this question on the record to you, Ms. Mallory, because it is an issue that is important to all of us. Certainly, the deployment of broadband in this Country is woefully behind, and in this pandemic we see how much that is affecting students, health care, ability to telecommute and all kinds of things.

There is a working group at the FCC, the Broadband Deployment Advisory Committee, that is recommending that agencies finalize categorical exclusions that exempt broadband projects from the NEPA process. As a matter of fact, in 2010, the Obama Administration's CEQ noted that "Appropriate reliance on categorical exclusions provides a reasonable, proportionate, and effective analysis for many proposed actions, helping agencies reduce their paperwork."

So we need to deploy this as quickly as possible. I guess what I am asking you, would you look at this issue of categorical exclusions that I think, as we have pumped a lot of money into broadband deployment. But if we get it hung up into all kinds of permitting, we are going to end up elongating it

and making those projects more expensive.

So I would just like to have your opinion on this, or at least some assurances that this is something you will take up.

Ms. Mallory. Thank you, Senator, absolutely. If I am confirmed, I would look into and be brief on the issue of broadband categorical exclusions.

Senator Capito. Thank you.

I want to talk about environmental justice. I know that Ms. McCabe and I talked about it on our Zoom, I am not sure that we did. It has been touched on, and you can see, with the job loss issues. As I think of environmental justice and understanding that it is somebody living next to a polluted area, can't move, they don't have the wherewithal or the money to be able to change that or clean it up or all those kinds of things.

But I also think with joblessness comes an expanded environmental hazard, when you have people who have depression or opioid addictions or joblessness or hopelessness, you end up, the environment surrounding those types of folks, those folks, those homes and those communities I think can be just as damaging to our environment in some ways as maybe a factory or a power plant or some other kind of, well, you can directly say that is an environmental hazard.

I guess what I am asking is, do you agree with what I am

saying in terms of the joblessness issue? Does environmental justice encompass those kinds of concepts that I am putting forward? Help me understand your perspective on that. We will start with you, Ms. McCabe.

Ms. McCabe. Thank you, Senator.

Any job loss is a terrible thing. I agree with you that we have communities across this Country that are suffering greatly. The pandemic is just making it worse. You have my total agreement there.

I think we need to pay attention to all of these issues. I think that President Biden has reflected, in his Executive Orders, that paying attention to communities that are affected by the transition to a climate, a more climate safe world, those impacts are real. The government needs to be paying attention to those.

So I do agree with you that we have to pay attention to these issues.

Senator Capito. Ms. Mallory?

Ms. Mallory. Thank you, Senator Capito. I guess what I would say is I definitely agree that those are problems that need attention, and that we are prioritizing in terms of thinking about the broader agenda. Whether they always fall under a category of environmental justice, I am not sure. But it doesn't matter, because I think they are priorities that we

need to figure out ways to address.

Senator Capito. Well, in this it does matter. Because there is a great emphasis in this Administration on environmental justice and equity. That is a lot of the words that are used. As a matter of fact, this COVID bill has, for some reason, some money in there for environmental justice. I don't agree with it being exactly COVID related, but that is a whole different topic.

So I think it does matter, because we are going to put a lot of resources into this, meaning federal dollars. I know there have been some promises in some of the Executive Orders that 40 percent of whatever the benefits would be from green energy is going to go back into the communities. But you can hear the skepticism of the States that have been impacted before. Some of us kind of feel like it is sort of a little pat on the head, and you are going to be okay.

I am glad to hear you talk about transitions, because we didn't really have a transition, I didn't think, under the Obama Administration. We lost thousands of jobs, and really shuttered a lot of our communities.

Last question is, you have Gina McCarthy as the climate czar, and John Kerry as another climate czar. Then Ms. Mallory at CEQ, and then you and Michael Regan at EPA. How does this all fit together? Who is the lead here? I don't know if you

have had these discussions with Gina McCarthy or the President himself as to who is going to be the lead on environmental policies and whose voices should we be listening to? Will it be one coordinated voice? But who is going to be the one who is going to be the spokesperson, I guess is my question.

I asked Michael Regan the same thing. If you have a quick response, or I could add that to a written question. Ms. Mallory?

Ms. Mallory. The way that I see the issue is that there is a coordination activity that is occurring around climate change that the new White House positions are helping to orchestrate with every agency and every other part of the Administration kind of bringing to bear the expertise that their organizations offer.

So CEQ will be working around these issues in partnership with Gina and others and the White House that are designed to actually have us all end up with the President's agenda being met.

Senator Capito. Ms. McCabe?

Ms. McCabe. Well, I haven't had any conversations with Gina or anybody else, other than Secretary Regan. He made clear to you that he will be making the decisions at EPA, accountable to the President and carrying out EPA's responsibilities. And that will be my experience as well, if confirmed.

Senator Capito. Yes, I think that is what we would like to see. I mean, certainly from my perspective, because I think the more transparency we have, more accountability, we can ask the right questions and you can give us the right information for us to be able to react.

Thank you both for being here today. Thank you.

Senator Carper. Senator Capito, thanks so much.

I have a couple of UC requests and I have a couple of questions and we will close it out.

I would like to ask unanimous consent to submit for the record a fact sheet from EPA on the Clean Power Plan that states that the agency received 4.3 million public comments before finalizing the rule. Is that correct?

Ms. McCabe. It was four plus million, yes, sir.

Senator Carper. Did you respond to any of those?

Ms. McCabe. We responded to every substantive comment, Senator.

Senator Carper. That is a lot. Okay, thank you.

[The referenced information follows:]

Senator Carper. The second unanimous consent request would be to submit for the record a variety of other materials that include news articles, letters from stakeholders, reports, other materials that relate to today's nomination hearing.

Is there objection? Hearing none, so ordered.

[The referenced information follows:]

Senator Carper. I am going to come back to the Clean Power Plan.

But before I do that, I love to tell the story of Willie Sutton, Willie Sutton who was a famous bank robber back, I think, in the Great Depression. He robbed a lot of banks, finally got caught. He was dragged before the judge in court, and the judge said, Mr. Sutton, why do you rob so many banks? He said, that is where the money is.

When you look at EPA, and the last Administration, two Administrations ago and the current Administration, we know we have too much carbon in the air, and we have a pretty good idea where it is coming from. My understanding is that mobile sources are producing about 28 percent of that carbon dioxide.

I am told that our power plants, power sector, would be maybe number two in the pecking order. What would be number three?

Ms. McCabe. As I recall, oil and gas development is -- well, if you look at the economy, you have mobile sources, power generation, and then kind of the rest of our economic activity, including commercial buildings and that sort of thing, heating, that sort of thing.

Senator Carper. There has been negotiation going on in terms of mobile sources, as you know, between the auto industry and a bunch of States, including California, including Delaware,

to phase down, ratchet down, CO2 emissions, greenhouse gas emissions, from our mobile sources. I think there are some encouraging developments in this area, as you know, and our friends at GM have announced that they are going to stop producing gas and diesel-powered vehicles in 2035. Ford, I think has set 2030 as a date for stopping the development of similar kinds of vehicles. I don't know if that was in Europe or the U.S., but it is significant, in any event.

The Clean Power Plan, I know that there was a stay by the Supreme Court several years ago. My understanding, despite that stay, the power industry, utility industry writ large, has actually met and maybe even exceeded the reductions that were called for in the Clean Power Plan. Is that correct?

Ms. McCabe. That is my understanding, Senator. And it doesn't surprise me, it doesn't surprise people. Because the EPA rules, as dictated by the Clean Air Act, are supposed to focus on where the industry is going, and look at the technologies and the innovations and the practice that are already out there in the industry and project those forward.

So we fully expected the power sector to move forward in ways that reduce emissions, and indeed they have, even though the Clean Power Plan never went into effect.

Senator Carper. All right. Thank you.

If I can, Ms. Mallory, a question for you. This is again

with respect to environmental impact studies under NEPA.

Are you concerned that the changes, some of the changes and revisions, to how we analyze federal action will undermine our Nation's ability to address these and other major challenges? Are you concerned that some of the changes that we have talked about earlier, to how we analyze federal actions will undermine our Nation's ability to address these and other major challenges?

Ms. Mallory. Thank you, Senator, for that question. That is a question that I am very interested, if confirmed, in getting to talk to the experts at CEQ, and the NEPA staff, about their sense of how the rules are being implemented and the impacts that the rules are having right now.

From the outside looking at what the rules did and the way they were structured, I definitely have concerns about them being set up in a way that would impact the ability to get the information that is necessary for the agencies to make a decision.

Senator Carper. Okay, good. Thanks.

Ms. McCabe, maybe one or two final questions. What lessons, if any, can we draw from EPA's experience under the previous Administration to improve agency safeguards that protect scientific research and the publication of scientific findings?

Ms. McCabe. Yes, Senator, good science done in an open and transparent way with respect for the scientific process and the scientists is absolutely essential to good policy. I think that many have been concerned at some of the things that happened during the prior Administration about the treatment of scientists and the use of science in agency decision making processes.

So I think we have already seen the Biden Administration make clear that science will be the foundation of policy going forward. I know that is the commitment of Secretary Regan. If confirmed, it will be mine as well.

Senator Carper. Okay, good. A follow-up question to that. Would you commit to working with this committee in fixing scientific integrity at EPA, either by administrative or by rule or by legislation, to ensure that abuses of the scientific process cannot happen again?

Ms. McCabe. Senator, if confirmed, I would be more than happy to work with this committee and any other members on any issues related to making sure that scientific integrity is protected.

Senator Carper. My last question of you, have you ever heard the name Thomas Dolby?

Ms. McCabe. Thomas Dolby? I don't think so.

Senator Carper. Have you ever heard the term one-hit

wonder?

Ms. McCabe. Yes.

Senator Carper. He was a one-hit wonder.

Ms. McCabe. Okay.

Senator Carper. Whenever we talk about science, I think of him. Because his one hit was, She Blinded Me With Science.

[Laughter.]

Senator Carper. We don't want to be blinded by science; we want to be guided by science. We want to be guided by science as we go forward.

Are there any more questions? Anybody out there in web land want to ask a question? All right.

Let me just say, a real thanks to our witnesses today for joining us. Thank you for your life's work in the past and your willingness to sign on for another tour. We will see how things go forward. I wish you luck. We hope personally that we are able to move your nominations and to work with our Republican colleagues in that regard.

If there are no more questions, I have one more unanimous consent request, Senator Capito, that Senators are able to submit materials for the hearing record which will be open for two weeks until the close of business on Wednesday, March 17th.

If there are no more questions for today, members may submit follow-up written questions for the record, we call those

QFRs, by 4:00 p.m. on Wednesday, March 10th. The nominees should respond to those questions by 10:00 a.m. on Wednesday, March 17th. So we are looking for responses by 10:00 a.m. on Wednesday, March 17th.

Anything else?

Senator Capito. No. Just thank you both, very much. We thank your loyal supporters back there. I know sometimes it is harder on them than on you.

Senator Carper. Again to your spouses, thank you. President Biden recently visited Robert Dole, Bob Dole, a great hero, great Senator from Kansas, who sat in one of these hearing rooms I think in this building many years ago when his wife had been nominated, I think by George W. Bush, to be a cabinet secretary.

And her husband introduced her at the hearing to his colleagues. Robert Dole, who had a wicked sense of humor, said at the hearing, you may recall, he said, "I regret that I have but one wife to serve my country." And so to your spouses, thank you for your willingness to share your spouses and your loved ones. We thank you for being with us today. God bless.

With that, this hearing is closed.

[Whereupon, at 12:24 p.m., the hearing was adjourned.]