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U.S. Senate Date: Wednesday, May 21, 2025

Committee on Environment
and Public Works

Washington, D.C.

HEARING ON THE U.S. ENVIRONMENTAL PROTECTION AGENCY'S PROPOSED FISCAL YEAR 2026 BUDGET

Wednesday, May 21, 2025

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The committee met, pursuant to notice, at 10:01 a.m. in room 562, Dirksen Senate Office Building, the Honorable Shelley Moore Capito [chairman of the committee] presiding.

Present: Senators Capito, Whitehouse, Lummis, Curtis, Sullivan, Ricketts, Husted, Markey, Kelly, Schiff, Blunt Rochester, Alsobrooks.

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

Senator Capito. Well, thank you, everybody, for coming and I want to say welcome to Administrator Zeldin, it is good to see you again. I understand you have had several hearings over the past few days, so I know you have been busy.

I believe you are doing an excellent job at implementing your vision to return the EPA to its core mission of protecting our Country's air, our land, and water, while eliminating wasteful spending. To start, I applaud your aggressive efforts to undo the previous administration's regulatory overreach. Your leadership will put us on a path to energy dominance with sound environmental procedures.

Your efforts, like rescinding the Biden Clean Power Plan 2.0 rule, which I just heard about this morning, that was part of a comprehensive strategy intended to shut down all fossil-fuel electric generation, will unleash our economy and help onshore American jobs.

President Trump and his team are also putting West Virginia first, by announcing an agency-wide PFAS strategy and providing West Virginia with the authority to permit wells to sequester carbon dioxide. I appreciate the structural changes that you, Administrator Zeldin, are bringing to the EPA.

Several weeks ago, the EPA announced that it would move

more than 130 experts to assist with reviews of new chemicals and pesticides. In 2016, the Congress told the EPA to accelerate the new chemical approval process, but the agency has done little to comply with that direction. Reviews currently take months, if not years, stifling innovation and leaving companies reliant on outdated chemicals.

Addressing the pace of this process is crucial to maintaining our competitiveness in a global market, expanding our key industries, and onshoring critical supply chains. I appreciate that you, Administrator Zeldin, are taking into account my previous calls to provide more resources to address this issue.

This leads us to why we are here today, the EPA's budget. I first want to thank the Administrator for acting on his pledge to prioritize being a good steward of taxpayer dollars.

EPA has restored accountability to grant programs enacted through the partisan Inflation Reduction Act. For example, in February, the EPA canceled a $50 million grant made to the Climate Justice Alliance under the IRA's environmental justice grant program.

The Climate Justice Alliance is a non-profit organization that I investigated and found explicitly engaged in pro-Hamas, anti-Israel, anti-Semitic, anti-police, and anti-military activities. Some of these activities occurred while they were

under consideration for an EPA grant awarded by the last administration.

The EPA has taken immediate action to investigate and reclaim the $20 billion awarded under the so-called Green Bank program in the IRA. This money was rushed out the door before the end of the last administration under unprecedented, and I would say, suspicious terms.

The EPA's proposed Fiscal Year 2026 budget shows deep reductions for the agency. Some of these cuts reflect the best interests of hardworking Americans. For example, the budget proposes to cut $100 million from environmental justice programs that were added under the Biden administration and have unnecessarily imposed requirements that are burdensome for small, regulated entities or grant awardees. This is a welcome start and it will reduce regulatory compliance burdens and allow tax dollars to beneficially impact more entities.

However, there are bipartisan programs that would be impacted if the proposed budget is enacted, programs that have done much to help continuously clean up the air, water, and lands, as well as provide safe drinking water. For example, the proposed budget would reduce funding for the Brownfields program and includes an 89 percent cut to the Clean Water and Drinking Water State Revolving Funds.

I and many of my colleagues have long been vocal about the

importance of Federal assistance for water infrastructure through the State Revolving Funds. In 2021, Congress made the largest bipartisan investment in the State Revolving Funds and water infrastructure in our Nation's history, delivering more than $50 billion for drinking water, wastewater, and stormwater programs.

State revolving funds have helped many West Virginians, and many around the Country, get connected with the water access and resources that they need. I hope we can work together through the appropriations process, as well as through the committee's reauthorization efforts, to make sure that adequate resources remain available to support our water systems.

I look forward to building to that future with you, Mr. Administrator, over the next several years.

And I know recognize Ranking Member Whitehouse for his opening statement.

[The prepared statement of Senator Capito follows:]

STATEMENT OF THE HONORABLE SHELDON WHITEHOUSE, A UNITED STATES SENATOR FROM THE STATE OF RHODE ISLAND

Senator Whitehouse. Thank you, Chairman. We are here this morning to discuss the proposed Fiscal Year 2026 Budget for the Environmental Protection Agency.

Administrator Zeldin, thank you for being here today. You pledged during your confirmation process that you would respond substantively to Congressional requests from both sides of the aisle. You said, and I quote: "I want every member of this committee to have the ability to contact me, to be able to share directly your concerns and your ideas. I want to be responsive to all the members of this Committee."

Last week, you told a Senate Appropriations subcommittee that you thought you had responded to all the Congressional letters you have received. That was not quite accurate.

Since your confirmation, I have sent you 12 letters as Ranking Member, many signed by all the Democrats on the dais. Until this week, I had received responses to only 2 of those 12 letters and only vague non-response responses at that.

On Monday of this week, I received another response that purported to answer three separate letters. As for the remaining seven letters, your seven responses came in yesterday, all between 4:53 p.m. and 7:01 p.m. with six of them arriving after the close of business. So, thank you, Chairman for this

hearing, which seems to have provoked some last-minute responsiveness.

Of course, real responses would be challenging. EPA's actions have made families worse off, ignored science, and eroded America's trust in your agency. And all for the benefit of polluters. The ongoing destruction at EPA violates legal contracts, violates the Constitution, violates the rule of law, and flouts many court orders. Again, all for the benefit of polluters.

Thousands of EPA grantees at this point have received strikingly similar letters informing them that their work "no longer aligns with administration priorities." I don't recall you ever saying that "administration priorities" oppose clean drinking water; child health research; home renovations that reduce household energy bills; flood mitigation projects; safer school buses; or community centers where seniors and families can retreat during heat waves and dangerous storms. Yet, that is what you tell grantees.

One particularly flagrant action your agency has taken is freezing and attempting to terminate the Greenhouse Gas Reduction Fund. I know you don't like it, but GGRF was created and appropriated by Congress to fund community clean energy and disaster resilience activities across the Country.

President Trump claims, falsely, that climate change is a

hoax, so GGRF funds became a target.

The President lacks the Constitutional authority to cancel this already authorized and appropriated spending, absent some showing of wrongdoing, so you had to invent wrongdoing.

How so? Well, enter Trump's corrupt Justice Department: Acting Deputy Attorney General Emil Bove, and Ed Martin, then-interim U.S. attorney for the District of Columbia. Martin had publicly criticized GGRF even before he came to the Department. He and Bove pushed career staff at the U.S. Attorney's Office to open a criminal investigation so they could assert that the ongoing investigation justified the freeze.

Their problem? They couldn't find any evidence of any crime. The criminal division chief, a veteran career prosecutor at the U.S. Attorney's Office, pointed out that launching a criminal investigation without evidence of a crime, what prosecutors would call predication, is a violation of prosecutorial ethics and Department of Justice policy. That warning from the career prosecutors was red flag one.

Your colleague Martin responded by demanding her resignation, forcing her out; red flag two. With the criminal division chief gone, Martin still couldn't find one staff prosecutor in his big office to pursue the matter. Not one. Red flag three.

Martin then proceeded in his own name. Red flag four.

That extremely rarely happens with politically appointed U.S. attorneys going forward with no career prosecutor on the pleading.

No surprise, when Martin then presented his request to the Federal magistrate judge, the judge denied the petition. Red flag five. And by the way, for prosecutors, a massive flapping red flag. Federal prosecutors never want this to happen; they triple-check and backstop every application to ensure that they are ironclad. In my U.S. Attorney's Office, a Federal judge shooting down one of our warrant applications would have set off internal reviews.

That series of disasters didn't stop this scheme. Somebody started shopping the case to other U.S. Attorney's Offices, hoping that some other office would try again in a different district. Shopping a case around U.S. attorney's offices, after the matter has been shot down in court: red flag six.

It seems no other U.S. attorney's office has been willing to go before any court with this hot mess, but somehow, a Federal prosecutor down in Florida seems to have ordered Washington-based FBI agents to question EPA employees about the grant program. We will discover more about that.

Separately, GGRF grantees sued EPA about your freeze, which you defended with the same pretext of fraud, even citing to that sham investigation. The Federal judge asked EPA for evidence of

fraud. The agency was unable to produce any. The judge noted in her decision in favor of the grantees that EPA could produce, her words, "no evidence to support that claim." So, a second Federal judge shoots down the scheme. We are now up to red flag seven, Mr. Zeldin.

Compounding this prosecutorial fiasco, Martin and you simultaneously unleashed a barrage of misleading public comments, flooding the information zone with public accusations of fraud that career prosecutors, a magistrate judge, and a Federal district judge would determine to be unfounded. Well, unfounded accusations of fraud are what lawyers call "defamatory per se."

Baseless accusations of fraud, removing career officials who stood up for the rule of law, proceeding without a single career attorney, getting shot down by a magistrate judge, forum shopping, deploying FBI agents to harass career civil servants, having no evidence when obliged to make the proof in court, this is what weaponization of government looks like. And all the while, hundreds of worthy community projects go unfinished.

Elsewhere, EPA pursues what I like to call the fog bank strategy of contumacy. A Federal judge rules a freeze is illegal or unconstitutional or both, and EPA retreats into a fog bank of deception. EPA's rationales shift, apparently false claims of "individualized review" are made, grant programs can't

get straight answers. All this deception and a relentless focus on MAGA forbidden words like “climate” and “equity,” an ongoing heresy hunt.

Enough is enough. The Constitution demands faithful execution of the laws, and that fundamentally means a willingness to take direction from Congress. We want, in this Committee, to do big bipartisan things. But that can’t happen as long as this administration continues to ignore Congress’s Article I powers.

Thank you very much, Chairman.

[The prepared statement of Senator Whitehouse follows:]

Senator Capito. Thank you. Thank you, Senator Whitehouse.

So, this morning we are joined by the Honorable Lee Zeldin, 17th Administrator of the United States Environmental Protection Agency. Since being confirmed to the role on January 29th, Administrator Zeldin has restored the agency to its core mission of safeguarding human health and the environment. Given the scope of EPA's mission, I look forward to hearing from Administrator Zeldin on the agency's proposed multi-billion dollar budget.

Administrator, thank you for being here. Before we move forward, I will administer the oath. If you would please rise.

Raise your right hand. Do you swear that the testimony that you are about to give to this committee is the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. Zeldin. I do.

Senator Capito. Thank you. Let the record show that the witness has answered in the affirmative, so we will now proceed. And Administrator Zeldin, you are recognized and welcome for your opening statement.

STATEMENT OF THE HONORABLE LEE ZELDIN, ADMINISTRATOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Mr. Zeldin. Thank you, Chairman Capito, Ranking Member Whitehouse, and members of the committee. It is an honor to appear before you today to discuss the President's Fiscal Year 2026 Budget Request for the U.S. Environmental Protection Agency.

Since day one, EPA has moved swiftly to advancing President Trump's directive to deliver clean air, land, and water for all Americans, while restoring common sense, accountability, and cooperative federalism to environmental policy. We are fulfilling our core mission of protecting human health and the environment while powering the Great American Comeback and removing unnecessary barriers that have burdened American families and businesses for far too long.

Since being sworn in as Administrator, my team has hit the ground running. I have now traveled to 17 States across the Country, engaging with our dedicated regional staff and scientists, visiting Superfund sites and Brownfields, and listening to farmers, business owners, and community residents who have had fantastic ideas on how the EPA can better work on their behalf.

Immediately upon President Trump's inauguration, EPA completed the largest wildfire cleanup in agency history in less

than 30 days after the catastrophic Los Angeles wildfires. We have taken bold steps to combat PFAS contamination and have advanced redevelopment at 21 Superfund sites across 13 States, delisting all, or parts of, four sites from the National Priorities List. We have also completed 25 State Implementation Plans, 16 of which were backlogged from the prior administration.

With this renewed focus and commitment, the EPA is working for the American people. We are revising the definition of "Waters of the United States" to align with the Supreme Court decision in Sackett and have issued immediate action items for Mexico to permanently and urgently end the Tijuana River sewage crisis that has plagued Southern California for decades.

Following my trip to St. Louis, we cut nearly two years from the cleanup timeline at the West Lake Superfund site, which has been contaminated by nuclear waste from the Manhattan Project. In fact, to mark the 100th day of the Trump presidency, the EPA released a list of 100 environmental actions we took during those first 100 days, a pace that motivates us to keep up each and every day. Together, these actions reflect the Administration's commitment to environmental stewardship, cooperative federalism, and delivering results that make a real difference in people's lives.

In lockstep with the President's agenda, EPA is also

helping to unleash American energy, pursue permitting reform, make America the AI capital of the world, and bring back American auto jobs. We have eliminated waste and abuse in areas like the Greenhouse Gas Reduction Fund, reversed unlawful overreach like the so-called Good Neighbor rule, and begun reconsidering many overreaching rules including power plant and EV-related regulation that threaten grid reliability, energy affordability, and consumer choice.

I am proud of the monumental steps we took earlier this year toward energy dominance and expanding cooperative federalism. We are giving West Virginia and Arizona the primacy authority they have sought to protect groundwater and regulate themselves, as other States have had for years.

It is no secret the best innovative solutions are most often found by working with those most familiar with the challenges faced. These historic actions will reduce regulatory costs, which act as invisible taxes on Americans, making it more affordable to own a car, heat homes, operate a business, and bring manufacturing back to local communities.

By reducing the EPA's budget by billions of dollars, the President's Fiscal Year 2026 budget demands maximum efficiency from the EPA while we continue to fulfill all of our statutory obligations. Also included in the President's proposal is an additional $9 million above Fiscal Year 2025 enacted levels to

equip EPA with funds to respond to drinking water disasters. There is also a $27 million increase in funding for tribes to address drinking water and wastewater infrastructure on their lands.

At the Trump EPA, we will not view the status quo as some sacred cow that is untouchable, we will not consider the Biden era regulations we inherited to be etched in stone, and we absolutely refuse to waste even a penny of tax dollars. With President Trump's leadership and the partnership of Congress, we will deliver measurable and real results, greater accountability, and a stronger environmental return on investment per dollar spent.

I look forward to answering your questions. Thank you.

[The prepared statement of Mr. Zeldin follows:]

Senator Capito. Thank you, Mr. Administrator. Thank you very much.

My first question is, I alluded to it in my opening statement on the State Revolving Funds, the dramatic cut that is proposed in the budget would mean that it, for instance, in my State of West Virginia, a decrease from $36 million to $4 million. You know, being from New York and having rural areas, too, there are still a lot of places in rural America that are either unserved or underserved in terms of healthy and clean water availabilities. Water systems are facing enormous pressures.

Will you commit to working with the water sector and Congress to ensure that the SRFs remain a reliable source of investment? And what is the reasoning behind the dramatic cut there?

Mr. Zeldin. To answer the first part of your question, yes, Chairman, absolutely. Look forward to working with you and other members of this committee on that.

I think this moment presents an opportunity to talk about just how revolving it has been. There have been good Congressionally directed grants that have pulled money out of this source of funding toward House and Senate districts across the Country. But those particular grants end up depleting funds from the account. I think that there is an opportunity here to

have a conversation about that, which can strengthen the SRF as we talk about Fiscal Year 2026 and beyond.

Senator Capito. Well, I would say as an appropriator myself, and someone who has done Congressional directed spend into that account, I understand the pushback that States have when they don't want a specific project that then is counted against their revolving fund.

But it still doesn't answer how are we going to, you know, even if we have the dramatic cut that has been proposed, not only will there be no money for this Congressional directed spend, there is not going to be enough money to sustain these projects into the future. So I hope we can work together on that one. I am concerned about it.

Let me ask you about the new chemical approval process, because this has been, we have had hearings in the committee over the past four years about the inertia of the agency to be able to license new chemicals. A lot of times, these new chemicals, I wouldn't say every time, but many times the new chemicals are coming forward because they are safer, they are greener, they have new technologies, and they are probably less wasteful, less potentials for contaminations because they are more advanced in the technology.

Yet the past administration could never get these through. You made a pretty decisive move early on. Could you talk about

that and what you think the results are going to be in terms of reviewing these new chemicals and making sure we get those cleaner, safer chemicals on the market and the old ones off the market?

Mr. Zeldin. Chairman, when I was confirmed, I inherited a number of backlogs, new chemicals, into the many hundreds, pesticide review of 14,000, State implementation plans, small refinery exemptions, the list goes on, of all sorts of backlogs. As it relates to new chemicals, the feedback that I got from the career staff in the Office of Chemicals is that they would be able to reduce the backlog if they had two things.

One, they were able to bring more scientists into their office to boost the amount of bandwidth that they have, which we have done, that is part of our re-org announcement from a couple weeks ago. And secondly, to bring their technology up to date, because it was very outdated. Systems would crash and they would be locked out for days at a time.

So we have been pursuing both. We have, with the pesticide review, been able to get through over 2,300 of reducing that backlog. And with the new chemicals review, we are looking forward to being able to eliminate that backlog as well.

So it was primarily one, increasing bandwidth, which we are doing, and two, improving technology, which we are also doing.

Senator Capito. At the same time, did you, you folded the

Office of Science into it, is that correct? You folded an office into that new chemicals office?

Mr. Zeldin. We are moving, the scientists are able to compete no matter what programmatic, from all sorts of different program offices inside of EPA. The same goes with changes made inside of the Office of Air and Radiation, inside of the Office of Water and elsewhere. We are creating a new Office of State Air Partnerships inside the Office of Air and Radiation, to advance cooperative federalism and to get rid of one of the other backlogs with the State implementation plans.

We are creating an Office of Applied Sciences and Environmental Solutions. We are boosting that science and research mission inside of these program offices to better fulfill our statutory obligations.

Senator Capito. All right, thank you.

Senator Whitehouse?

Senator Whitehouse. Thanks very much.

Administrator Zeldin, on April 23rd, Daniel Coogan for the EPA filed a sworn statement in court that said, and I quote here, "EPA leadership conducted an individualized grant by grant review to determine which grants should continue." He made that statement under oath.

And on the following page of his declaration, he said that there were approximately 377 grantees that had received

cancellation notices, and another 404 grantees who would receive notices within the next two weeks for a total, by my math, of 781 total grantees.

Do you dispute his testimony that there were 781 individual grants at issue?

Mr. Zeldin. The exact number I don't have off hand but that sounds like --

Senator Whitehouse. Let's say that it is 781 or thereabouts.

Mr. Zeldin. -- individual reviews, I did those myself.

Senator Whitehouse. His testimony under oath was that that took place.

And I would ask unanimous consent that that declaration of Daniel Coogan be made an exhibit.

Senator Ricketts. [Presiding.] Without objection.

[The referenced information follows:]

Senator Whitehouse. Then, on May 6th, Travis Voyles of EPA made the following statement, also under oath, also in a court filing. He said, "On February 25th, 2025, I conducted an individualized review of EPA grant programs. That day I decided that certain grant programs should be terminated for policy reasons."

So there are three things about that Voyles statement that are noteworthy. First, the date. He said that he did this all on February 25th, which is interesting, because if he put in a 10-hour day, that is 600 minutes of time for 781 grant applications, which means he would have had to conclude his review of each of them in 45 seconds without even a bathroom break.

The second thing about the statement is that he said, "I conducted." Not you conducted, Administrator Zeldin, not leadership conducted. He said he conducted, and he said that under oath.

The third thing that was interesting is that he dropped in a weasel word, programs. He didn't say individualized review of grants. He said individualized review of grant programs.

Mr. Zeldin, is there a difference between a grant and a grant program?

Mr. Zeldin. We have individual grants inside of a grant program.

Senator Whitehouse. And you could have dozens or even hundreds of individual grants inside of a grant program, correct?

Mr. Zeldin. I know for a fact that Travis Voyles individually reviewed every single grant individually, and I know that I have reviewed every single grant individually. And I also know --

Senator Whitehouse. That is not what this sworn testimony indicates. Let me reclaim my time here.

Mr. Zeldin. The fact is we --

Senator Whitehouse. May 16th --

Mr. Zeldin. -- both individually reviewed all of the grants, and I know that he was working on it every single day, not just on one day.

Senator Whitehouse. Well, that is not what his sworn testimony was. And on May 16th, DOJ career lawyers, who are under an obligation of candor to the tribunal upon which their right to practice law depends, filed a pleading in Federal court that conceded that you had not done individualized grant by grant reviews.

They were not contesting that the EPA failed to do an individualized review, in court they admitted, in fact, their language is "Defendants do not contest judgment on the merits of plaintiff's APA claims." I would ask that the reply be put into

the record, that the Voyles declaration be put into the record, and that an Inside EPA news report that discusses that court proceeding be put into the record.

Senator Ricketts. Without objection.

[The referenced information follows:]

Senator Whitehouse. And then yesterday, you stated during your House E&C hearing that you personally reviewed all these grants. Here is what you said: "I was the one who made the decision, and I made the decision after doing individual review, I personally reviewed every single grant that I canceled."

Now, you guys are going to have to start getting your stories straight, because there are three completely different statements, and they cannot all be true. It cannot be that Voyles personally himself conducted the review of 781 --

Mr. Zeldin. He did.

Senator Whitehouse. And that Coogan --

Mr. Zeldin. He did.

Senator Whitehouse. -- saw to it that it was individually done.

Mr. Zeldin. I did, others did. It is a crazy concept, Senator, but maybe more than one person was individually reviewing these grants. Maybe they were on it for more than one day, Senator. [Indiscernible] that concept.

Senator Whitehouse. Their testimony is that they did it all on one day --

Mr. Zeldin. [Indiscernible] every single time.

Senator Whitehouse. I do not agree with that, Administrator. He swore in court that he did it on one day.

Mr. Zeldin. You make the decision on a day after you

worked on it -- you are busting your ass for a while to get all your ducks lined up.

Senator Whitehouse. That is not what he said.

Mr. Zeldin. You do all the research to ask questions, to make sure you are making responsible decisions.

Senator Whitehouse. None of that is what he said.

Mr. Zeldin. Because you're not worried that there is going to be some ranking member [indiscernible] who doesn't care about the facts.

Senator Whitehouse. None of that is what he said. I am using the facts as your employees stated them.

Mr. Zeldin. I conducted individual review of everything.

Senator Whitehouse. When?

Mr. Zeldin. And I [indiscernible] doesn't work for you.

Senator Whitehouse. When? When did you conduct an individualized review of 781 grants?

Mr. Zeldin. I [indiscernible] every single one of -- you have a zero tolerance --

Senator Whitehouse. Will you show me your schedules?

Mr. Zeldin. We inherited something [indiscernible] didn't care about wasting money.

Senator Whitehouse. Will you show me your schedules?

Mr. Zeldin. You don't care about wasting money, but the Trump administration does, Senator.

Senator Whitehouse. Will you show me your schedules?

Mr. Zeldin. Our schedule is publicly released. We don't put on the schedule every single --

[Simultaneous conversations.]

Senator Whitehouse. Will you show me your schedule to prove your assertion --

Mr. Zeldin. I am here --

[Simultaneous conversations.]

Senator Whitehouse. -- individualized review of 781 --

Mr. Zeldin. I will tell you that I was reviewing this stuff and working on it almost every single day.

Senator Whitehouse. And the problem with that --

Mr. Zeldin. When I was before this committee, I was asked by Senator Ricketts, if confirmed, would I immediately make this a top priority, to go all the grant funding going through EPA to make sure that we are cracking down on every waste, every aspect of abuse. Because I have to come back here in front of Senator Ricketts today, and even though you don't care about wasting tax dollars, Senator Ricketts does.

Senator Whitehouse. And the problem --

Mr. Zeldin. I am going to do my job because the American public --

Senator Whitehouse. And the problem --

Mr. Zeldin. -- cares about us not wasting tax dollars.

Senator Whitehouse. And the problem with your assertion here today is that it is belied by your own employees' sworn statements in court and by the decisions --

Mr. Zeldin. No, Senator --

Senator Whitehouse. Of the Department of Justice to admit --

Mr. Zeldin. You are not grasping that.

Senator Whitehouse. -- that what you say isn't true.

Mr. Zeldin. You are not grasping the fact that we would have multiple employees looking at these grants. That concept just escapes you like that is even a possibility.

Senator Whitehouse. The only thing about that is that that is not true.

Mr. Zeldin. And you don't care about 99 percent of the story.

Senator Whitehouse. That is not true according to your own employees' testimony.

Mr. Zeldin. You are not grasping it, Senator. I don't know what to say to you. You are insisting on the fact --

Senator Whitehouse. I am insisting on the facts.

Mr. Zeldin. -- that you --

Senator Whitehouse. That is exactly what I am insisting on.

Mr. Zeldin. Yes, okay.

Senator Whitehouse. I am insisting on the facts --

Mr. Zeldin. [Indiscernible.]

Senator Whitehouse. -- and I now have three different versions of the facts --

Mr. Zeldin. [Indiscernible.]

Senator Whitehouse. -- Justice lawyers --

[Simultaneous conversations.]

Mr. Zeldin. -- waste dollars just because you insist on EPA lighting taxpayer dollars on fire. The American taxpayers, they put President Trump in office because of people like you. They have Republicans in charge of the House and Senate because of people like you, because you don't care about 99 percent of the story. You don't want me to go through the list of all the evidence of waste and abuse.

Senator Whitehouse. No, what I want you to do is --

Mr. Zeldin. -- conflicts of interest.

Senator Whitehouse. What I want you to do --

Mr. Zeldin. You don't care about [indiscernible] recipients, you don't care about --

Senator Whitehouse. What I want you to do is explain why the Department of Justice lawyers representing EPA in court under a duty of candor have said that everything you have just said isn't true. That is what I want. Give me that answer.

Mr. Zeldin. I am here before this committee under oath --

Senator Whitehouse. I have exceeded my time. I will let the Chairman take back the gavel.

Senator Ricketts. Thank you.

All right. Well, we seem to have a little bit of a disagreement. Perhaps we can work on this in the future about the discrepancy here. Does that sound fair?

Senator Whitehouse. Absolutely. I think getting to the basis and the bottom of this dispute is very important. And the facts actually matter here.

Senator Ricketts. All right. With that, we will move on.

Administrator Zeldin, thank you for being here today.

In your 112 days since your confirmation, you have taken steps to address Biden's unconstitutional Waters of the United States Rule, so thank you very much. That was something that the State of Nebraska, we fought, going back for years.

You have issued waivers to allow the summertime sale of E15 nationwide. You empowered States to play an active role in Federal programing.

And before we start our questioning, my questioning today, I want to thank you for that order, Administrator. I appreciate it. Thank you for supporting rural American and Nebraska farmers. Thank you for providing regulatory certainty, and thank you for taking steps to clean up the mess that you inherited.

On that vein, I am encouraged by the EPA's transmission of the Renewable Fuel Standard rulemaking to the Office of Management and Budget. I know that everybody here knows that I love this committee, because we get to talk about biofuels. So that is what we are going to do for a little bit here.

Earlier conversations, Administrator, renewable fuel obligations drive the markets, we have had this conversation, in real ways that benefit Nebraskans and specifically Nebraska row crop producers. A strong RVO creates strong markets that producers are in desperate need of right now in today's farm economy.

Last week and just to give you an example of how this works, last week, based on rumors of D4 RVOs being set at roughly 4.625 billion gallons, soybean bases dropped almost 30 percent. So it has a big impact on the market.

I am hopeful to see a biomass based diesel target set at five and a quarter billion gallons and ethanol targets set at no lower than 15 billion gallons. Nebraska's farmers and biofuel stakeholders are relying on it.

The Biden administration failed these constituents time and time again with late, under-projected RVOs. And you have the opportunity to correct that.

In your efforts to bring the EPA back into RFS compliance, what is your anticipated timeline for the final RVO rulemaking?

Mr. Zeldin. The draft proposed rule is currently at OMB. We expect the proposed rule to be finalized and released very soon. We will go through rulemaking that includes the public comment period. We will finalize this as quickly as we possibly can.

Senator Ricketts, your advocacy is very well-noted at EPA. You have been a passionate, tireless advocate for your constituents on this topic. We know how important it is to you, so we will get this done as fast as humanly possible.

Senator Ricketts. So when you say soon, are you thinking summer, are you thinking the fall, what are you thinking?

Mr. Zeldin. Much, much faster.

Senator Ricketts. Okay, great.

Support of biofuels is consistent also with President Trump's mandate to unleash American energy. Year-round nationwide E15 sales are a no-brainer, in my humble opinion. It is affordable, drives farm profit, and lessens reliance on adversaries for energy.

Thank you for your administrative action earlier this year to allow E15 summertime sales. But producers and industries rely on certainty throughout the year, and they actually need a permanent legislative fix.

Once more again for the record, do you think enacting the nationwide Consumer and Fuel Retailer Choice Act is the best way

to get E15 permanently authorized year-round?

Mr. Zeldin. Senator, if Congress was to do this statutorily, it would be the fastest, easiest, most durable solution.

Senator Ricketts. Great. Then we have also visited about the importance of crop protection tools. I noticed the Chairman was talking about that a little bit earlier. Last month I sent you a letter with 79 bicameral signatures calling for the use of sound science and risk-based analysis as the Executive Branch considers options to address chronic illness.

I would like to submit this letter for the record. Since I am the chairman, I will do it without objection.

[The referenced information follows:]

Senator Ricketts. I am encouraged by your commitment in my office before your confirmation and your hearing and in follow-up conversations to implement these principes. As radical environmentalists try to push their anti-agricultural agenda these commitments become increasingly important and consequential.

Once again, do I have your commitment to ensure that the executive action relating to the safe, critical crop protection tools and food grade ingredients that you take as part of this review will be based on sound science and risk-based analysis?

Mr. Zeldin. Yes, Senator.

Senator Ricketts. Great. Thank you very much.

I urge you to use the resources provided by the EPA, to the EPA by Congress in ways that are consistent with our intent. Again, thank you for the work that you have already done. The EPA protects human health and environment by maximizing every dollar to provide clean and safe drinking water, minimizing exposure to forever chemicals, providing regulatory certainty to Nebraskan agricultural producers and industry, complying with the statutory mandates.

And I look forward to working with you and other members of this committee and the appropriators to ensure that you have robust funding to be able to do this. Thank you, Administrator, for your work and for being here today.

And with that, I will go to Senator Alsobrooks.

Senator Alsobrooks. Thank you so much, Mr. Chair.

Good morning, Secretary.

Mr. Zeldin. Good morning.

Senator Alsobrooks. The Bipartisan Infrastructure Law designated a total of $238 million to be distributed over five years for the Chesapeake Bay program. This funding, as you might imagine, is really critical to supporting the program's mission of coordinating Federal, State and local efforts to restore the health of the Chesapeake Bay.

The last time that you were here I know that you stated, "It is up to Congress to decide on funding levels," and that it would be your "obligation to make sure that money will be spent to Congress' intent."

In spite of that, I understand now that some Bay program funds have recently been halted. In fact, to date, I have not seen confirmation that the full Fiscal Year 2025 allocation will be delivered to the program.

So I would like for you, Mr. Secretary, to please provide some clarity on the administration's plans for the Fiscal Year 2025-26 Bipartisan Infrastructure Law funding allocations for the Chesapeake Bay program.

Mr. Zeldin. First off, Senator, I am not aware of any funds as part of this program being frozen. I have had the

opportunity since confirmation to visit the Chesapeake Bay for the first time as the Administrator, which is for any other member of Congress elsewhere, especially the newer members, they should know that this is a beautiful, amazing bay.

This program, this geographic program is important. The work that EPA does there is critical. Senator, you have been a strong champion for the Chesapeake Bay program. And it is a partnership between you, your constituents and the EPA to make sure that it is fully funded going forward and continuing to achieve great progress.

Senator Alsobrooks. Okay, and so Mr. Secretary, and I know we had an opportunity to discuss the Bay during our meeting prior to your confirmation. I know that we agreed that it is not only a treasure for Maryland, but it is a national treasure.

So then will you commit to looking into this particular issue? I know you said you are unaware of the fact that the funds have been halted. Can you commit to looking into that and then reach back so that we can ensure that those Congressionally appropriated funds get to where they should be?

Mr. Zeldin. Absolutely. I will triple check as soon as the hearing is over. I might even have a note passed off to me while we are here. But my understanding is that not a dollar is frozen in that.

Senator Alsobrooks. Okay. Similarly, the administration

has recently announced the elimination of the Office of Research and Development. Of course, this is also of concern to us. It plays an essential role in advancing science-based policy and protecting communities from toxic exposures, including carcinogens, PFAS, lead and air pollutants.

So it provides vital expertise in areas such as natural disaster response, drinking water protection, wastewater treatment improvements and ecosystem protection. So the idea that this particular program is laying off scientists from the office, of course, is deeply troubling.

And I know that you said that you were interested in increasing productivity, efficiency, accountability and transparency. So I am just wondering, can you just share the criteria and decision making process that was used to shut down the Office of Research and Development, and just tell us, was it based on performance data? Or was it just driven by an external directive from DOGE?

Mr. Zeldin. Well, there, all decisions are made by me at the agency. We don't have, it is, that is an important part, going through this process. There has not been a reduction in force for that office decided and announced. We have gone through a process, as you are asking, where I, I and our team, was soliciting feedback from staff that has been at the agency for a long time across all the program offices.

That is why the reorg that was announced a couple weeks ago includes the Office of Air and Radiation, the Office of Water, the Office of Chemical Safety and more. And that is why we are creating a new Office of Applied Science and Environmental Solutions.

That is why we are adding scientists to the Office of Chemicals. We are going to lean more into PFAS research inside the Office of Water. All of the best ideas came directly from the feedback that we received from career staff.

Senator Alsobrooks. So there had been about 1,500 staff members who had important public health responsibilities, who were terminated. So was that a part of, in terms of how that decision was made, was it based on performance data?

Mr. Zeldin. I have not terminated 1,500, Senator. There is discussions of, if we were to move forward with a reduction in force, depending on how that reorg is structured, but what we are doing right now is we are allowing across the agency, many employees, you don't have to just be in the Office of Research and Development, there is an active process where they are applying for these positions inside the Office of Chemical and Safety Pollution, inside of Office of Water, inside of the Office of Air and Radiation, and elsewhere. And we are boosting the research in science inside of those offices.

Senator Alsobrooks. Okay, thank you, Mr. Secretary.

Senator Ricketts. All right. Senator Curtis, are you ready to go or should I go to Senator Husted?

Senator Curtis. No, no, we are ready to go.

Senator Ricketts. Okay.

Senator Curtis. Mr. Zeldin, Administrator, thank you for being here today. It is great to be with you.

Utahans are already in tune with your approach of spartan, practical, let's be clean, let's do it right but be thoughtful as well. So thank you for that. Thank you for your visit to Utah and for Utah.

I would be remiss if I didn't highlight Utah's kind of unique ozone situation and your team's grasp of our unique geography. Thank you for that and for understanding that.

I would highlight too that Utahans are very committed to cleaner air, cleaner water and have spent no small amount of effort to do so. But we are trapped in by some of these geographic things. So thank you for that.

I would also like to recognize the critical uses, your work on PFAS, and your recent announcement concerning a comprehensive approach to managing PFAS. Thank you for that.

Last April, the Biden EPA finalized the National Primary Drinking Water Regulation for certain PFAS chemistries. These rules set standards at a level for PFAS that will be extremely challenging for compliance. I have also been told that the

science used to develop these standards, known as maximum containment level, has been scrutinized.

Can you give me and my water utilities back in Utah a sense for the best way to work with you to be clean, to do what people expect us to do, but also comply with the best science?

Mr. Zeldin. I will say that over the course of these last few months there has been a lot of outreach to EPA from individuals and companies that are very heavily leaning into trying to innovate and find more efficient ways to be able to treat contamination from PFAS, which will allow drinking water systems, hopefully, to be able to remediate these concerns more efficiently than projections were in the past. That is going to be a big deal for them.

For PFOA and PFOS, those are two chemical forms of PFAS where the research and data seem to be most advanced. That is where the MCL was set at four parts per trillion. It is going to stay that way.

We have heard from drinking water systems, actually primarily from members of this committee, as I was going through the confirmation process, where drinking water systems were concerned about their ability to be able to come up with the funds, to come into compliance by the date set by that regulation. We want to work with them to be able to hit those target goals, and hopefully these new innovations that are

continuing to come in line will allow them to do that at less cost.

Senator Curtis. Thank you. I know that a lot of my colleagues have and probably will continue to talk about the pace at which EPA approves new chemicals. Your predecessor really struggled with that. It is a problem because many of these new chemicals could replace these chemicals that we know to be poor, and yet we can't get them approved. So thanks for your continue work on that as well.

I wanted to touch on TSCA improvements. Ensuring a well-functioning TSCA program is not only important for protecting human health and the environment, but also further pillars including energy dominance and manufacturing and AI. Chemical regulations must be based on sound science. They must also recognize the critical uses for these chemicals so we don't disrupt key supply chains and hurt Americans.

What can we do to ensure that TSCA risk evaluations are truly risk-based and based on assumptions that how chemicals are used in the real world and not theoretical?

Mr. Zeldin. It is very important to consider science, to use best available science, to have the bandwidth inside the office to get through the backlog which we have been improving, to improve the technology with inside of that office, which we have been able to do. Congress added an anomaly to a recent

Congressional funding bill that gave $17 million toward speeding up this effort to allow us to get through this backlog, which is a massive backlog with both new chemicals and in the pesticide review.

Senator Curtis. Yes. As you know, I have been vocal about the role of natural gas and ensuring Americans have access to affordable, reliable and clean energy. The Clean Power Plant rule has hurt building out new energy generation to meet the incredible growth demand. Can you speak to how the Biden era rule harms this goal and how we have to keep focused on affordable, reliable clean?

Mr. Zeldin. We announced on March 12th a lot of different regulations that we are reconsidering. I am not going to prejudge the outcome of the rulemakings. There will be public comment periods involved. We will follow our obligations under the law. We will follow the Administrative Procedures Act. And we will make sure that we are heeding calls from you, Senator, which have been important in your efforts to fight for Utah.

It was great to be on the ground in Utah a few weeks back, and to be part of meetings that you led bringing key officials and community leaders together. I look forward to doing it again.

Senator Curtis. Thank you. I am out of time, but I would be remiss if I didn't thank you on behalf of them for that visit

and for that cooperation. Thank you. I appreciate your time today.

Mr. Zeldin. Thanks, Senator.

Senator Lummis. [Presiding.] Senator Blunt Rochester is recognized.

Senator Blunt Rochester. Thank you, Madam Chair, and thank you to the Ranking Member.

Welcome back, Administrator Zeldin. Your attendance here is truly crucial.

I want to start off by talking about three letters, a letter I sent with questions regarding the decision to the Office of Environmental Justice and External Civil Rights. Number two, your response to the letter. And then a letter of response from EPA Region 3 regarding an air monitoring grant in Delaware.

I ask unanimous consent to submit all three letters into the record.

Senator Lummis. So ordered.

[The referenced information follows:]

Senator Blunt Rochester. Thank you.

I want to start again by talking about just a basic question, which I think I know the answer to, but do you believe people have a right to live in an environment free from harmful pollutants?

Mr. Zeldin. Yes, Senator.

Senator Blunt Rochester. Thank you. This brings me to my first letter on the closure of the Office of Environmental Justice and External Civil Rights. Do you recall reading that letter?

Mr. Zeldin. I have read every single letter that every member of Congress has sent me, Senator.

Senator Blunt Rochester. And it brings me to the second letter, which was the agency response, which states that terminating this office was necessary, this is the quote, "necessary to align EPA's workforce with the agency's current and future needs."

This office oversaw a grant that helped constituents in my home State of Delaware monitor and assess air toxics from a nearby industrial facility. This Newcastle County community relies on this data to let them know when they need to possibly shut their doors or windows to protect themselves and to protect their health.

Which brings me to the third letter. Apparently this grant

was terminated because it is no longer consistent with the agency's funding priorities or priorities in general. The EPA's mission, as you have stated, is to protect human health and the environment.

Does giving people access to accurate air toxic measurements protect human health, in your opinion?

Mr. Zeldin. Senator, first off, this applies to all grants that are canceled. There was something inside of each grant, and that doesn't mean that, there were some grants, there was some aspect of the grant that was an issue. It doesn't mean that for every grant the entire grant was an issue. We are in the middle of a fiscal year having the conversation.

So on any grant inside of your home State that was canceled, I welcome the opportunity to be able to sit with you. I will go through each grant, I will tell you exactly what the issue was. And as we go through the rest of the fiscal year, we can see what we are able to get out the door with the money that is appropriated by Congress.

But I know for a fact that every single grant that we canceled, there was something in it that caused that grant to get canceled.

Senator Blunt Rochester. I would welcome the opportunity to sit down and specifically go through these grants. When we met, I expressed concern that there were communities that for

decades maybe lived on a highway corridor or maybe next to a facility that they didn't even know the impact on their health. So a program that actually helps people measure and monitor and be able to protect themselves, we need to be doing more of that, not less of it.

So I think it makes sense. I think it is shortsighted, because ultimately we are going to pay with sicker people. We are going to end up paying more money. So I am looking forward to following up with you on that grant.

I also understand that you have been sharing and sort of touting your first 100 days and the 100 environmental accomplishments. I would like to discuss a couple of those items from the list.

Item 48, blocked illegal pesticide imports totaling over 200,000 pounds across multiple regions. Item 71, worked with U.S. Customs to stop illegal pesticide imports at multiple ports. Item 72, blocked over 56,000 pounds of unregistered pesticide products from entering through Region 4 ports.

These kind of all sounds like the same thing, but I would like to give you an opportunity to share how these accomplishments differ, especially since this is one of the things that you have been really vocal about and sharing.

Mr. Zeldin. So the way that the list was compiled was from feedback inside of headquarters as well as each of the regions.

So all 10 regions submitted a list of their environmental wins inside of their region. So there might be a win inside of, that was submitted from Region 4 that might be similar to what another region had did that was an important win for their region.

And the challenge for our team was that we wanted to release 100, and the person who was running point had 1,500 to work through. Part of that included the same win referenced more than once, and we worked on getting it down to a top 100 list. But that is the process of how we got to this list.

Senator Blunt Rochester. Okay, so that is the process. So it may be more like 98 wins in 100 days.

Mr. Zeldin. I can actually give you another 100 on top of that if you want.

Senator Blunt Rochester. Could you do this, I am going to ask you as a follow-up to submit for the record how many of these accomplishments were initiated or substantially underway during the previous administration. I would appreciate that.

Mr. Zeldin. I will give you the first example that comes to mind, the L.A. wildfires happened a week before inauguration day. President Trump came in, he signed the executive order, that was before I was even confirmed, saying that we need to complete hazardous one, phase one material within 30 days before Army Corps came in to do their phase two debris removal.

The wildfire response started a few days before inauguration day, and we took great efforts to make sure that was done within 30 days, which it was.

Senator Blunt Rochester. Thank you. I am out of time, but if I could request the 100, you can share with us those same examples, in addition to the other 96.

Mr. Zeldin. Senator, what was the first reference that you said?

Senator Blunt Rochester. In terms of the --

Mr. Zeldin. When you referenced three.

Senator Blunt Rochester. Items 48, 71, 72. But again, as a follow-up, if you could just submit for the record how many of the 100 accomplishments were initiated or substantially underway in the prior administration.

Thank you so much, and I yield back, Madam Chair.

Senator Lummis. Mr. Husted is recognized.

Senator Husted. Thank you, Madam Chair. And since we are talking about the first 100 days' accomplishments, I guess I would ask unanimous consent that those 100 accomplishments be submitted for the record.

Senator Lummis. Without objection, so ordered.

[The referenced information follows:]

Senator Husted. Thank you, Administrator Zeldin, for joining us today. I appreciate the fact that your very first trip as Administrator was to East Palestine, Ohio, along with the Vice President and Senator Moreno and myself and many other people from the State. It was very important to that community, because as many of you know, or if you recall, they experienced a devastating train derailment and chemical fire in the days, several years ago.

That derailment was devastating for the community and many of those individuals in the community felt like they were not getting proper attention over time. So the fact that you made your first trip as Administrator to East Palestine, your first trip was to East Palestine, meant a lot to those folks as they continue to recover and show the resiliency that that community certainly has.

I am also a proud representative of Ohio and a Great Lakes State. I recognize that I am the only member of this committee who actually represents a Great Lakes State. And since it is 20 percent of the world's usable fresh water, I am going to take pride in that, and spend a little time on that today, even though I could talk to you about how some of the environmental rules that we have in this Country are actually harming the environment, rather than benefitting it. And I would love to update those things.

I am going to spend a little time, though, on the Great Lakes if I could, particularly as it relates to, because we have a lot of issues. We have dredging issues, we have algae blooms. But we have invasive species that threaten the quality of those Great Lakes that has been an issue for many, many years. And the Asian Carp is one of those threats that I know many people in those great fisheries are concerned about.

And President Trump issued an executive order directing several agencies, including the EPA, to address the spread of the Asian Carp in our waterways. And given the economic cost of this to the Great Lakes, and particularly Lake Erie, which is on the northern border of Ohio, I want to just ask you to talk about how the EPA will use the GLRI dollars to mitigate this issue and just give us a little insight to that, because I know it matters to all of the Great Lakes States.

Mr. Zeldin. Yes, Senator, and this is something that has been a point that the President has personally reached out to me on, on multiple occasions. I think that having a Vice President now who has previously and still takes great pride in Great Lakes will make sure that it stays on the top of the agenda for the entirety of the administration.

The Great Lakes Program is one that EPA takes great proud in, has done important work, and that work needs to continue. Working with Congress, hopefully that is fully funded to

continue that work to be able to address this issue. Grateful for your advocacy.

As soon as I was sworn in, the Vice President called immediately, saying we are going right away to East Palestine, Ohio, where you were on the ground and that it was the first visit with urgency from the Vice President. So I am sure, and I am confident without, you know, risking speaking for you, I am sure that you are also confident that this Vice President and this team will make sure that you have that voice, that we are meeting with you as much as you want, we are hearing from you as much as you want on behalf of your constituents to address this.

Senator Husted. Great. And I know we have more work to do there. But on the Great Lakes Restoration Initiative, I just want your assurance that you are going to be transparent about how those dollars are spent, people will be able to track them, and we will be able to come up with one of those great lists of all the things that we did with the Great Lakes funding.

Mr. Zeldin. Senator, I want to be transparent on every dollar spent by the agency.

Senator Husted. Great, thank you. And then finally I will give you a chance to, the EPA learned a lot. What takeaways do you have from the East Palestine situation with the, we had rail corridors, chemical fires, things like that. I know that there is still work to do there. What lessons learned have been

communicated to you from the team that was working on that?

Mr. Zeldin. We have to do more faster. We have to ensure that we are present on the ground instantly. When I say we, I am talking about any agency that has any jurisdiction whenever disaster strikes. Delays of just a few days when disaster strikes could end up being critical lost time that ends up compounding the amount of cost it is going to take. Evidence can get lost, and a community's voice might feel like it is not being heard.

Then junior Senator J.D. Vance was on the ground instantly, and the residents of Ohio were highly confident that they haven't missed a beat being able to see you now fill that position. We look forward to working with you on it.

As far as lessons learned, it is a lesson in leadership, in making sure than whenever disaster strikes anywhere in the Country that all agencies with any equities are instantly present on the ground and acting, not just reacting, but ensuring that we are heeding those calls instantly.

Senator Husted. Yes. I will share one last point on that, because we were on the ground. Governor DeWine had to make decisions about how to respond to that derailment. And I can tell you, he did not get access to timely information to make the very difficult decisions that he needed to make.

And I just encourage you to work with your agency to make

sure that in the case that something like that happens again that governors of whatever State that might happen in won't have to fly blind because the EPA was not there to give them the information when they needed it.

Mr. Zeldin. Yes. And Senator, I would just also add that an important lesson learned, which is still a work in progress, is that there are many others around East Palestine who used to go to East Palestine. And the message needs to go out to them of just how much East Palestine has rebounded under your leadership and it is time to help reinvigorate that local economy inside of East Palestine. Communication not just to the residents inside of that community, but to the residents around that community. It is time to go back to East Palestine and help them recover.

Senator Husted. I will look forward to the time that we can get you back and we can tie this one up and help East Palestine recovery to even higher, better status than it was before.

Thank you, Madam Chair.

Senator Lummis. The gentleman from California, Mr. Schiff, is recognized.

Senator Schiff. Thank you, Madam Chair.

Mr. Zeldin, you have only been at the EPA for a few months. But in that time, you have done more to dismantle this agency

than probably all of your predecessors put together. That may be a source of pride for you, but it is not for the American people.

You have unlawfully terminated grants without justification. You have fired and pushed out some of the best scientists who inform EPA's decision-making. You refuse to spend money that Congress has appropriated to the EPA by law. And you have launched a pro-polluter effort to delete dozens of environmental protections.

On top of all this, you have launched an effort to overturn California's Clean Air Act waivers that improve the quality of air breathed by 40 million Californians and by millions more in other States who adopted California's high standards. That effort, for which my colleagues have decided to eliminate the filibuster to achieve, is not exactly what anyone would call cooperative federalism.

But it is your budget that is the ultimate proof of your priorities. You propose cutting America's environmental agency by 55 percent, meaning that in your view, and that of President Trump, more than half of the environmental efforts of the EPA, more than half of the efforts to make sure Americans have clean air and clean water, are just a waste, they are just a waste.

Meaning that Californians and people all over the Country, when they breathe the air, thanks to your good work, it will

mean there is more diesel and more other particulate matter in the air. When they drink a glass of water, they may not be able to see it, but this water that Americans are drinking is going to have more chemicals like PFAS, forever chemicals, in their water. This will be your good work.

I want to be very specific about the legacy you are going to leave, if you are successful in eliminating half of our efforts to clean our water and our air. Your legacy will be more lung cancer, it will be more bladder cancer, it will be more head and neck cancer, it will be more breast cancer, it will be more leukemia and pancreatic cancer, more liver cancer, more skin cancer, more kidney cancer, more testicular cancer, more colorectal cancer, more rare cancers of innumerable varieties. That will be your legacy.

I don't know that that is a legacy that anyone should want to have. My kids are going to be breathing that air just like yours. My family is going to be drinking the water just like yours. We may not be able to pinpoint just who gets cancer, because you have done away with half the budget of those looking out for our clean water and clean air.

But it is going to be somebody's kids, somebody's family. To put this in more specific terms, there are 22 grants frozen by the EPA focused on improving health and reducing pollution, many of which directly impact children. For example, one

project in Santa Ana, California provided funding to help detect and prevent lead poisoning in children. According to the census, about 10 percent of the population in Santa Ana are under the age of 9. With a population of about 310,000 people, that means that 31,000 children are at risk of lead poisoning in Santa Ana without this funding.

What is it about this grant that you and EPA believe is problematic enough to freeze this funding and put potentially 31,000 children at risk?

Mr. Zeldin. Senator, which, who is the grant applicant?

Senator Schiff. This is to the City of Santa Ana.

Mr. Zeldin. And the biggest State, so I will have to go through every single list of the grant.

By the way, with that windup, by the way, I understand that you are an aspiring fiction writer. I see why.

Senator Schiff. Oh, yes, well, I understand your view that you can cut half of the agency and it won't affect people's health or their water or their air. That to me is a big fiction, Mr. Zeldin.

Mr. Zeldin. Yeah. You bend --

[Simultaneous conversations.]

Senator Schiff. I have to think, Mr. Zeldin --

[Simultaneous conversations.]

Mr. Zeldin. -- in San Diego [indiscernible] sewage crisis.

Senator Schiff. If your children were drinking water in Santa Ana, Mr. Zeldin, maybe you wouldn't be so cavalier about whether there was lead in their water. Maybe you would give a damn instead of coming in here and suggesting that any grant that takes lead out of the water must be waste, fraud or abuse because --

Senator Lummis. The gentleman's time has expired.

Senator Schiff. -- because you need the money for a tax cut for rich people because you are total beholden to the oil industry --

Senator Lummis. The gentleman's time --

Senator Schiff. You could give a rat's ass about how much cancer your agency causes.

Senator Lummis. The gentleman's time has expired. The Chair recognizes herself.

Mr. Zeldin, welcome. I take a very different view of your conduct in office since you took this office from the previous member of the Senate. Our Nation is in a dire financial mess. Our debt has once again been downgraded. We are $37 trillion in debt with no end in sight. Every EPA budget I have seen in the 13 years I have been here, all of which prior to this President were under Democrat presidents, proposed massive increases in new employees at EPA, thousands of dollars of increases, thousands of employees.

The most recent budget I saw proposed under the previous President was for 3,000 new employees at EPA. These are people we can't afford. Every State has its own department of environmental quality, and that is where cooperative federalism begins. You are making tough decisions. I applaud you for your proposed reductions in the budget. The laws will still be responsibly administered under your leadership.

Broadly on the policy front, I am pleased with your leadership on the endangerment finding, on rolling back the egregious Power Plant Rule, lots of rural electric co-ops have told me how devastating that would be. Thank you for rolling that back. I myself belong to three rural electrics in Wyoming, so I hear from them all the time.

You have redirected resources to the core EPA mission of protecting human health and environment. So you are delivering on our promises to Americans.

EPA does have an outsized influence on lives and livelihoods in Wyoming. And despite Congress' clear statutory direction to EPA requiring a decision in less than 180 days, Wyoming and North Dakota as well as other States have been held hostage by the previous administration's more than two years of inaction on State permit program approvals for coal combustion residuals, or CCRs.

On April 8th, your office announced that EPA would take

swift action to advance cooperative federalism and encourage States to pursue oversight and permitting of coal ash within their borders, and propose a determination for Wyoming and North Dakota's State permit program approved for coal CCR and the Coal Ash Permit Program.

Now, it was refreshing to learn that a month later under your leadership and direction, EPA proposed approval of North Dakota's CCR permit program. Well done, well done. Thanks to President Trump and your leadership at EPA, North Dakota received a response, an answer.

Wyoming is the Nation's top coal producer. Expediting EPA action on Wyoming's CCR program would help ensure Wyoming coal is available to help meet our Nation's growing energy demand, and the new uses of coal we have found. We are making asphalt out of coal. It is called coal-phalt. We are making bricks out of coal. These new uses will extend the important life of this resource so it doesn't become a stranded asset.

Do I have your commitment that working through cooperative federalism you will expedite action on Wyoming's coal program?

Mr. Zeldin. Senator, I know how important it is to you and to your State. We will work to get it done as fast as humanly possible. And we hear you. As I was going through the confirmation process, you had a long list of priorities that you wanted EPA to focus on. And we are not going to pace ourselves,

we are not going to do it one at a time. You had a great list, and we want to work through all of it at once.

Senator Lummis. Well, those of us from research producing States found that we were getting stonewalled under the last administration. So I appreciate your responsiveness to administering the laws, which is what you committed to when you stood before us and we considered your nomination by the President for this job.

And to my way of thinking, you have delivered ever since you got in office. So I want to applaud you and thank you for your hard work and we will continue to work together to have a strong economy and a strong environment. I am out of time, but appreciate you very much being here today and appreciate the budget you have proposed.

Mr. Zeldin. Thank you, Senator.

Senator Lummis. Senator Markey, you are recognized.

Senator Markey. Thank you, Madam Chair.

I just want to get to this crocodile tear concern which the Trump administration has, the oil and gas boys have about the greenhouse gas program, the Green Bank and the Solar Bank. They are both programs that are very effective, but being stopped by this administration.

I just wanted to point out the $170 billion of fossil fuel giveaways that are already in the pipeline for the Trump

administration for the fossil fuel industry. Meanwhile, we have the Green Bank and the Solar Bank, which is a grand total of $27 billion, which Mackenzie says is going to unleash $250 billion worth of private sector investment. Meanwhile, the richest industries in the world are getting $170 billion of giveaways, royalty relief, tax breaks, over the very same period of time.

I don't hear anybody saying that we should be taking those breaks away from the oil and gas and coal industry. They just want to kill the competition, wind, solar, all-electric vehicles, anything that would be reducing the need for oil and gas in our Country.

So that is unfortunately the state of affairs that we have with this administration at this point in time. They are terminating the very programs meant to face the challenges that are being presented on a nightly basis on every television station in American of these tornadoes, these violent storms that are intensifying.

So let me just move to the bank and what the administration has been saying and doing. In a recent study, we can see that it is going to save a lot of money, a lot of funding, for families across our Country if we move in that direction.

You have decided, Mr. Administrator, to carry out a baseless witch hunt against the Green Bank and against the Solar Bank. These funds have been frozen now for months. And we

already know what you are going to say, that there is "rampant waste, fraud and abuse and conflicts of interest."

When the District Court Judge asked if EPA could offer any evidence of a violation of a Federal criminal law, your lawyer responded, "I cannot do so, Your Honor." Are you willing to admit here today, Mr. Administrator, that you don't have any evidence of waste, fraud and abuse?

Mr. Zeldin. I am happy to go through the list. Would you like me to, Senator?

Senator Markey. Why was that evidence not presented in court, if you have it?

Mr. Zeldin. Oh, it was. I will do it right now. Are you ready, Senator?

Senator Markey. I am asking --

Mr. Zeldin. Do you want me to? I could go through the entire list right now. Would you like me to?

Senator Markey. Why was it not --

Mr. Zeldin. If you want it, I'm going to do it. I will start. Let's see how far down the list you will let me go before you cut me off.

Senator Markey. It was asked --

[Simultaneous conversations.]

Mr. Zeldin. -- cut me off before the first example of evidence.

Senator Markey. It was asked in court yesterday.

Mr. Zeldin. Do you want to know the evidence, Senator, or not?

Senator Markey. When your lawyer was asked to present it before a Federal District Court Judge yesterday --

[Simultaneous conversations.]

Senator Markey: -- was no --

Mr. Zeldin. Now it is [indiscernible] out as fast as possible before the Trump administration comes in. It is like we are on the Titanic and we are throwing gold bars off of the edge.

I will give you another example.

Senator Markey. I am going to give you --

Mr. Zeldin. [Indiscernible] Community Capital --

Senator Markey. I am going to reclaim my time.

Mr. Zeldin. I can't [indiscernible] the evidence --

[Simultaneous conversations.]

Senator Markey. Please bring this hearing to order.

Mr. Zeldin. Not a court.

Senator Markey. Yes, you have said that you --

[Simultaneous conversations.]

Mr. Zeldin. -- clear there is no evidence but you don't want me to go through the list --

Senator Markey. You have said that there are grants that

are unqualified recipients. You have said [indiscernible] --

Mr. Zeldin. [indiscernible] talk about.

Senator Markey. -- shady deals and gold bars. And yesterday, yesterday in Federal District Court, your lawyer, defending a lawsuit by groups that want access to their own funds, which this Congress appropriated, said repeatedly that the EPA was not claiming there has been any violation by any of these groups. That is your lawyer, yesterday, in court --

Mr. Zeldin. And I am sitting right here in front of you. You have the EPA Administrator right here offering to go through a list of evidence and you are saying you don't want me to go through it.

Senator Markey. Your lawyer was in court yesterday --

Mr. Zeldin. [indiscernible].

[Simultaneous conversations.]

Senator Markey. Here is what your lawyer said in court yesterday --

Mr. Zeldin. -- that was selected to receive $2 million.

Senator Markey. Your lawyer yesterday, Mr. Roth said, I am not accusing anyone of fraud --

Mr. Zeldin. -- salary structure for officers --

[Simultaneous conversations.

Senator Markey. You can filibuster this, Mr. Zeldin, but you can't run from the truth. Your lawyer yesterday said in

court, "I am not accusing anyone of fraud."

Senator Lummis. The gentleman's time has expired.

Senator Markey. You keep using this inflammatory language that --

Senator Lummis. The gentleman's time has expired.

Senator Markey. -- without any evidence being presented in court in order to defend this public accusations --

[Simultaneous conversations.]

Senator Lummis. The gentleman's time has expired. The Chair recognizes Mr. Sullivan.

Senator Sullivan. Thank you, Madam Chair.

Administrator Zeldin, good to see you. Really looking forward to you coming up to Alaska in a couple weeks. And I want to work with your team on your schedule.

I want to put up a chart here. Senator Markey, Senator Schiff. It is a chart that I like to trot out a lot, because it is really important. It gets to the key of so many issues in my State.

Senator Schiff was talking about legacy. This is the ultimate legacy. This is a study from the American Medical Association on life expectancy in America. Red, yellow, orange, that is people declining life expectancy. Light blue, blue, purple is life expectancy going up.

My State, North Slope, Aleutian Islands chain, Northwest

Arctic Borough, actually increased the most of any State in the Country, 13 years my constituents were living longer. So you want to talk about legacy? I asked my constituents, what is more important in terms of a policy outcome than are your constituents living longer? I don't think there is an answer. That is the key. That is a legacy.

Why did that happen in Alaska? Why? I will tell you why. These are almost all Alaska Native communities. First, they started at a very low life expectancy, and then responsible resource development happened. Yes, oil and gas and mining in these communities, fisheries in these communities. That is what happened.

And my colleagues, unfortunately, on the other side of the aisle, and Joe Biden and Barack Obama and every left wing radical environmental group would do everything in their power to stop responsible resource development from happening.

So in my State, this is a matter of life and death, which is why I am excited that you are coming up with the Secretary of Interior, and the Secretary of Energy. Because you are coming to these places in America where people are living longer because of responsible resource development.

So I want to thank you, because my colleagues on the other side of the aisle are not supportive of this. And when they go to shut down all the North Slope with the responsible resource

development where people have lived 13 years longer and they are starting to block it, trying to block it, that is all they do is block it, it is a matter of life and death.

So when people talk about legacy, when people talk about these issues, I know what the legacy is. The people I represent are actually living longer and there is nothing more important. And you are going to be part of that team when you come up to Alaska. So I appreciate it.

Let me get to one of these issues. They are living longer because they have things like gymnasiums and health centers and hospitals and yes, clean drinking water, which most Americans take for granted.

So one issue I want to talk to you about is in your confirmation hearing you committed to me to work with me on clean water, drinking water, sanitation, flush toilets, running water. I have thousands of my constituents, almost all Alaska Native, who don't have those things that most Americans take for granted.

By the way, you are a veteran, I am a veteran. You will see when you come to Alaska these are some of the most patriotic people in the Country. Alaska Natives serve at higher rates in the military than any other ethnic group in the Country. They bled for their Country.

So as you know, I care a lot about this issue. And I was

glad to see that in your budget, you increased your budget on drinking water and water infrastructure programs, which is great. So thank you on that.

I do want to ask about the community change grants. I understand why you have looked at these grants in a problematic way. A lot of it is problematic. Some of you though, some of those grants, as you know, have gone to clean water, drinking, sanitation. Huslia, Alaska, the village of Huslia, is one.

Can I get your commitment, Mr. Zeldin, to continue to work with me on these issues with communities like Huslia, who, look, they were just applying for grants to get more sanitation so people can live longer. Can I get your commitment on that?

Mr. Zeldin. Yes, Senator, enthusiastically yes.

Senator Sullivan. And are you going to make sure that programs in terms of these critical investments will have an opportunity if they were canceled during the community change grants program can reapply or get directed funding, again, $20 million for the Village of Huslia and others, for these sanitation issues, which are very important?

Mr. Zeldin. Senator, and you have previously reached out and you fight hard for the people of Alaska, including outreach on these grants. I would look forward to an opportunity to be able to work with you on each of them.

As we are having this conversation in the middle of the

fiscal year, money is going to continue to get out the door over the course of the rest of the fiscal year, and I believe that there will be many opportunities here for us to be able to work on these causes that you are advocating for.

Senator Sullivan. And just to make that 100 percent clear, on the issue of clean water, flush toilets, which, you know, in my community, some of my communities, Senator Kelly deals with this on some of his Native reservations, that that continues to be a priority of yours as you mentioned to me during your confirmation process, and you will continue to work with me on those issues in Alaska, and you will see some of it when you are up there.

Mr. Zeldin. Yes, Senator.

Senator Sullivan. Yes, Senator. Thank you, Madam Chair.

Senator Capito. [Presiding.] Thank you.

Senator Kelly?

Senator Kelly. Thank you, Madam Chair.

Administrator Zeldin, good to see you again. Thank you for taking the time to come out to Arizona a few weeks ago, maybe a couple of months ago now. I appreciate the partnership with your team and just thank you for working to improve Arizona's air quality and support our continued economic growth.

As you heard during your visit, we need EPA to work with Maricopa County to provide new ways to generate emissions

reduction credits. Later today, the Maricopa County board of supervisors is expected to vote to submit to EPA the final version of Rule 205 for final approval. We talked about these two rules, Rule 205 and I will get to 204 in a second.

While I know that you can't prejudge a regulatory decision, will you commit to having Region 9 process this application as quickly as possible?

Mr. Zeldin. Yes, Senator.

Senator Kelly. Thank you.

We have heard that it could take as long as six months for the regional office to conduct this review. Do you think there is any way to do this faster than six months?

Mr. Zeldin. We will do it as fast as we possibly can.

Senator Kelly. And the second rule, Rule 204, should be completed and submitted for final approval by the County sometime this summer. And once Rule 205 is completed, could I get a commitment to quickly work on Rule 204 as well?

Mr. Zeldin. Absolutely, Senator.

Senator Kelly. Okay. Thank you.

Now, another item we discussed during your visit was the need to understand the root cause of the ozone pollution that forms in the Phoenix area. As we discussed, emissions have gone down, and ozone has gone up. Specifically, nitrogen oxides and the volatile organic compounds, well, ozone rising with the

other, the increasing VOCs and NOX.

So that means that we need scientific tools and models to help us understand what is going on here. We haven't figured it out and we need help with this. And we have developed a partnership between the State, between Maricopa County, ASU, University of Arizona, and EPA called a ground level ozone research project.

But the EPA researchers who support this work are within EPA's Office of Research and Development. ORD is a Congressionally mandated entity established to operate independently and without political bias. To maintain its objectivity, it remains separate from the agency's reginal offices and other components.

The President's budget proposes a 56 percent cut to ORD. From what we can figure, that will likely slash 75 percent of its staff. Remaining employees would reportedly be reassigned to offices they were meant to stay independent from, exposing its scientists to undue political and institutional pressure.

So Mr. Zeldin, I can only imagine that ORD facilitates dozens of similar partnerships like ours. Tell me, how can the EPA produce unbiased science and data including data that we desperately need in Arizona if you fire most of the scientists at the EPA's Office of Research and Development?

Mr. Zeldin. Senator, the reorg that was announced a couple

of weeks ago increases the science and research effort inside of numerous program offices at EPA. I want the scientists to be able to do the science and there not be any change from what the natural conclusions are of their good work.

Senator Kelly. So does that mean that ORD is not going to lose any scientists?

Mr. Zeldin. Well, Senator, the reorganization creates, we have scientists inside of the Office of Research and Development applying for all sorts of positions inside of the agency. We are creating a new Office of State Air Partnerships, but inside of the Office of Air and Radiation. As a product of having communications with States to advance cooperative we inherited a big backlog in State implementation plans. And to help a State like Arizona to be able to come into compliance.

So scientists who might be in the Office of Research and Development might be in the State Office of Air Partnerships and the Office of Air and Radiation. I want them to be doing amazing work that you and your constituents are entirely proud of.

I would, we are also creating an Office of Applied Science and Environmental Solutions, which will include a lot of scientists who are currently inside the Office of Research and Development.

Senator Kelly. Do you have concern about their

independence and their ability to do unbiased science if they are commingled with people who are working on policies?

Mr. Zeldin. Not at all. I do not want there to be any biased science anywhere inside of this agency ever. What leaning one way or the other, we just want the scientists to be able to do the science, to get good research, good data, to fulfill all statutory obligations and allow us to do a great responsive job for your constituents.

So when you, Senator Kelly, gave us a very long list of to-do items, if confirmed, we have been very proud to be able to work with your office and your constituency, get through that list as quickly as possible.

Senator Kelly. And I appreciate that.

Mr. Zeldin. And getting rid of the 179(b) guidance with the International Ozone, that was one of the asks. And working to get the permit done on TSMC. You had a long list.

Senator Kelly. Yes.

Mr. Zeldin. And I appreciate the fact that you have a long list. And I want you to get us the next list.

Senator Kelly. Okay.

Mr. Zeldin. I want you to tell us, what are 20 things that EPA can do to help Arizona. I want to do all of it.

Senator Kelly. Well, as somebody who has always been driven by science and data, I get concerned when I see 75

percent cuts in an organization that has a lot of scientists. What you are telling me is these scientists are probably going to some other group within EPA to continue to do this important work. And I will look forward to seeing the results, especially on our issue with rising ozone, when emissions have actually been going down.

Thank you.

Mr. Zeldin. Yes, sir.

Senator Capito. Thank you, Senator Kelly.

Senator Whitehouse and I are each going to do one other round, and then I think we will ring it down. We are on a vote. And I appreciate your time and attention. And I apologize for not being in the room for, although I heard it was quite lively, that I was not in the room for the whole proceedings.

So I don't know if PFAS was a major focus for somebody. Because as you know, you and I have talked about this, this is a major focus for me. And you, as a former member of the House, were very active in this arena with PFAS, because of incidences in your home district that you had talked about.

So you put out a PFAS plan, which I really commend you, with a strategy early, at least we could see where we are going. And I would like to ask, the question is a little bit nuanced for me, I want to know where do you think in the plan that you have put forward we are actually going to see action so that,

would be different than what we would have seen over the last four years?

I mean, you know, we kept pushing for minimum drinking levels and things of that nature. Now we have things like passive receivers and water systems and once you catch it, how do you destroy it. There is so much we could be really, in your tenure, we can solve this problem.

So how do you see us proceeding from there? And I hope you intend to be as aggressive as possible.

Mr. Zeldin. Yes, Chairman. With regards to the April 28th announcement, this was the first release that we sent out. We have sent out others since.

I would point you to, and there are a lot of different aspects of this announcement. One part says develop effluent limitation guidelines for PFAS manufacturers and metal finishers and evaluate other ELGs necessary for reduction of PFAS discharges. That is significant. And I would encourage the public to read the April 28th release that went out.

The release that went out last week tackles, I understand this reality as Administrator of the EPA that every single decision I make, whether I say yes or no, someone is going to sue me. It is just the reality with regard to every decision that is in front of us.

Well, we also inherited some active litigation. And some

of that litigation was in the PFAS space that is currently going through the courts. There are, the announcement that we made last week involving six chemicals where retaining the four partners per trillion MCL on PFOA and PFOS, these are the two chemicals of PFAS where the research and data has been the furthest along.

There is a lot of research with regards to the other four chemicals at play. The procedural error that created a litigation issue was that with those four other chemicals, they combine the preliminary regulatory determination with the proposed rule, which means that the EPA skipped a traditional step in the rulemaking process by issuing the proposed drinking water standard at the same time it proposed the formal decision to regulate PFAS, rather than doing the steps separately.

The Safe Drinking Water Act does allow for certain steps to be combined. But what they did is not allowed under the Act.

I now would point out that as we go through that process with those four, at the end of the process you end up with a lower MCL. So for those who want to take last week's announcement as if that means that you are going to end up with a weaker MCL, that is just not accurate.

And as I pointed out earlier, there was one line of Q&A with one of your colleagues, there has been a lot of outreach to EPA over these last few months of individuals and companies that

are really leaning into investment in trying to come up with innovation for PFAS treatment.

So what we are hoping for is that the costs to be able to come into compliance with these MCLs are going to go down as we go through the months and the year that are ahead. The innovations are clearly out there.

The passive receiver concern I heard from members of this committee when I was going through the confirmation process. It is against the principle of polluter pays to make a consumer pay to clean up the contamination of their water supply. And that is something that we agree with and we want to address.

Senator Capito. Thank you. I would encourage this -- one of the other things that I think is very confusing to the general public, we had a chemical spill in my home system, it wasn't PFAS. And there were conflicting advice as to whether you can drink the water, bathe in the water, cook with the water. Initially, it was said, it is safe. Well, it had an odor with it, so you really didn't want to drink it.

But then the next day, there was a letter issued by the CDC after they said it was safe, they issued another letter that says, but if you are pregnant or expecting or elderly or have a health issue, maybe you shouldn't drink it. There is nothing worse that an agency or administration can do than to give conflicting health advice. I think we learned that during

COVID, because it was all over the place.

But for something as fundamental as drinking water that our children and my grandchildren are drinking, I mean, what a terrible legacy for us to leave. And so we need to be really strong here. And I am going to support you every step of the way.

So conflicting levels, there was a safety level and then there is a drinking level. What does that tell the American, how do you interpret that if you are a mom deciding what to do? It is just, it is impossible.

So I thank you for your attention to this. I really want to work with you on this. I appreciate the speed with which you came out with this, whether anybody agrees with the advice or some of the advice or all of the advice that was given in this, at least you're prioritizing this early on. Because you have to get through the process that takes years, and we are going to work hard to make sure that happens.

Thank you.

Mr. Zeldin. Thank you.

Senator Whitehouse. Mr. Zeldin.

Mr. Zeldin. Hello again.

Senator Whitehouse. Hello again. I hope you will answer my questions. I would appreciate it.

The first is, on February 17th, the FBI told Citibank to

freeze the GGRF funds. Did you have anything to do with that?

Mr. Zeldin. No.

Senator Whitehouse. Were you aware of that?

Mr. Zeldin. I was made aware of that.

Senator Whitehouse. Shortly after?

Mr. Zeldin. I think I got my update on that after Citibank instituted the freeze.

Senator Whitehouse. Okay. Do you know who the FBI was reporting to when it took that action?

Mr. Zeldin. That, I, all the stuff that, you went through a lot earlier that, we are not, as you know, at the Judiciary Committee hearing, there are questions that I just don't have the answer to.

Senator Whitehouse. Yes, that is fine. Just say you don't know. That is fine.

Were you aware that on February 18th, the criminal chief of the D.C. U.S. Attorney's Office resigned over this effort to get this freeze?

Mr. Zeldin. I learned about that reading about it in the newspaper.

Senator Whitehouse. Okay. So shortly after February 18th, when that became news?

Mr. Zeldin. Whenever it broke in the news.

Senator Whitehouse. Did you find out at some point that

Mr. Martin had failed to get his order from the magistrate judge?

Mr. Zeldin. Ask the question again. Did I learn what?

Senator Whitehouse. U.S. Attorney Martin --

Mr. Zeldin. Right, I understand.

Senator Whitehouse. -- went to the magistrate judge seeking an order that would allow for the freeze of the Citibank-held assets.

Mr. Zeldin. I was aware of that.

Senator Whitehouse. Okay.

Mr. Zeldin. After the fact.

Senator Whitehouse. Do you know when the order was denied?

Mr. Zeldin. I don't have that date.

Senator Whitehouse. Okay. The reason I am asking this is because on February 23rd, 2025, you said about the GGRF that "The entire scheme, in my opinion, is criminal," which is a pretty strong word to use. And I am trying to figure out what you knew when you said it was criminal.

So you knew by then at least that the criminal chief had resigned over this issue. It is not clear whether you knew at that time that Martin's order had been rejected by the magistrate judge. Could you find that out for me? What was the timing of when you knew that Martin's order had been rejected by the judge, in comparison to your statement that this was

criminal?

Mr. Zeldin. Yes, and would you like me to tell you everything that I knew when I made that statement?

Senator Whitehouse. Sure.

Mr. Zeldin. So the first thing particularly in the EPA official --

Senator Whitehouse. Well, not right now. We can do this in a QRF. Because I would like to get through some other questions.

Later on, on March 6th, you also said that this was either a kickback, a theft, or graft, or all of the above on Fox News. And if you could also put into the timeline of what you knew and when you knew it that March 6th statement, I would be grateful for that.

Now, somewhere between March 9th and 10th, there was a series of emails between EPA and DOJ in which the top career EPA attorney, a gentleman named Jim Payne, warned that there were significant legal vulnerabilities with the Citibank freeze. Do you know what those significant legal vulnerabilities were that he was referring to?

Mr. Zeldin. I could speculate that if you are going through a what is claimed to be a breach of contract and the Court of Federal Claims, which is the court that would actually have jurisdiction over it, not a district court, inside there

they would determine, one, if there was a breach of contract and two, they would decide on damages.

Senator Whitehouse. So it could be not on the merits but just on the venue, on the appropriate court, is your testimony?

Mr. Zeldin. Well, I am saying, the way that process would go is, so this $20 billion went to eight pass-through entities, a little over $3 billion of that actually was disbursed. The rest has been frozen. All the grants have been terminated. There is an expenditure --

Senator Whitehouse. Let me ask you about that, because my time is getting a little bit short here. I am sorry to cut you off.

But the New York Times has reported that one of the grantees has been told it no longer needs to comply with a February 20th subpoena, suggesting that the investigation is closing. Is the investigation closing?

Mr. Zeldin. Again, you should ask that question, any question that you have as far as Justice Department as an agency should be directed to the Justice Department.

Senator Whitehouse. You were not involved in all of that?

Mr. Zeldin. No. I am focused on the EPA.

Senator Whitehouse. Okay, so focusing on the EPA and my last seconds, DOJ lawyers representing EPA admitted in Circuit Court of Appeals that they are not accusing anybody of fraud.

That is their quote, "not accusing anybody of fraud." And EPA in that courtroom specifically reiterated several times that no grantee had engaged in any fraud, waste or abuse. Do you stand by the statements of your lawyers in that courtroom?

Mr. Zeldin. I would love to be able to go through the list of all of the waste and abuse that I am aware of. But it seems like you and your colleagues want anything other than for me to go through the list of evidence.

Senator Whitehouse. You are more than welcome to submit a list of all the evidence. But when I only have five minutes --

Mr. Zeldin. You don't want me to go through the list of evidence.

Senator Whitehouse. -- I don't want you to --

Mr. Zeldin. You don't want me to go through the list of evidence. You just want to say that we don't have any, okay?

[Simultaneous conversations.]

Senator Whitehouse. Hold on. Let me stop you right there. It is not me saying that you don't have any. It is your lawyers in a court proceeding saying that you don't have any.

Mr. Zeldin. And you won't allow me to talk through it.

Senator Whitehouse. So I will take it as a question for the record, because our time is up. But please, give me your list, I would be more than happy to review it.

Mr. Zeldin. I already sent you over a lot of it. But I

guess you haven't read it.

Senator Capito. All right, here we go. With no further questions, I would like to thank you, Administrator Zeldin, and all my colleagues for their participation in today's hearing. It has been a really busy day, morning, on Capito Hill. So we had a lot of in and out.

Senators who wish to submit written questions for the record have until 5:00 p.m. on Wednesday, June 4th, to do so. The witness's response to these questions are due back to the committee no later than 5:00 p.m. on Wednesday, June the 18th and will be submitted for the record.

With that, the hearing is adjourned.

But before that, I would like to make an announcement that at the request of the Capitol Police, I will ask the audience to stay in their seats at the conclusion of the hearing, just while Capitol Police clear the room.

Thank you very much.

[Whereupon, at 11:47 a.m., the hearing was adjourned.]