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U.S. Senate

Date: Wednesday, July 27, 2022

Committee on Environment  
and Public Works

Washington, D.C.

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BUSINESS MEETING

Wednesday, July 27, 2022

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 9:48 a.m. in room G50, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Merkley, Markey, Duckworth, Stabenow, Kelly, Padilla, Cramer, Boozman, Ernst.

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

Senator Carper. Good morning, everyone. I am pleased to call this business meeting to order.

This morning, we are going to be voting on several well-qualified nominees for leadership positions at the Environmental Protection Agency, the Nuclear Regulatory Commission as well, and also some 15 General Service Administration Resolutions. After the business meeting is concluded, we will immediately proceed with this morning's hearing.

Let me start by sharing some thoughts with everyone this morning about Joe Goffman, President Biden's nominee to be the Assistant Administrator for the Office of Air and Radiation at EPA. As I said during Mr. Goffman's nomination hearing not long ago, this position has an outsized impact on our lives. EPA's work to confront emissions that cause climate change and protect communities that are vulnerable to airborne toxic pollution has never been more urgent. We are looking to the Biden Administration to act, and that requires having key positions, such as this one, filled.

I know that Mr. Goffman will succeed in this role. Throughout his time working on this committee and at EPA, he has demonstrated a clear commitment to following the law in a way that provides cleaner air, a safer climate for all of us while

providing predictability and certainty for industry. That is why Joe has earned support from a broad coalition of stakeholders, I think a remarkable coalition of stakeholders, so I will be happy to join them in their support and vote yes to advance Joe's nomination. I urge my colleagues to do the same.

Let me also say a few words about the nomination of Annie Caputo, no stranger to any of us, and Brad Crowell to be members of the Nuclear Regulatory Commission. During their hearing last month, we saw that both individuals are well-suited to serve on the Nuclear Regulatory Commission.

If confirmed, these nominees will fill the remaining vacancies on the commission. Ms. Caputo and Mr. Crowell both possess strong backgrounds in public service. Each will bring unique professional experience to the commission. I have no doubt about their ability to serve the American people in these roles and look forward to seeing their swift confirmation.

With that, let me yield to Senator Capito. Senator Capito, good morning.

[The prepared statement of Senator Carper follows:]

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

Senator Capito. Thank you, Mr. Chairman. It is nice to see you back in the chair.

Senator Carper. It is nice to be back in the saddle, thank you.

Senator Capito. I am glad you are feeling well.

Senator Carper. Thank you.

Senator Capito. This morning, as the chairman said, we are going to consider three nominations and a number of GSA resolutions.

First, I would like to speak on the nominations of Annie Caputo and Bradley Crowell to serve as members of the Nuclear Regulatory Commission. I support their swift confirmation on this bipartisan pairing. Reliable, affordable nuclear energy is necessary to power our homes and businesses and as an energy source that both you and I strongly support. Nuclear energy provides about half of America's emission-free energy and nearly 20 percent of our power.

The NRC right now is facing significant opportunities and challenges. The commission both has to help preserve the safe operations of today's nuclear power plants and also ensure the timely and safe development of new, advanced nuclear technologies.

In my home of West Virginia, my home State, there is a buzz about nuclear energy since the State opened the door to building nuclear plants earlier this year. Like coal and natural gas, nuclear is an energy source that provides reliable baseload electricity.

In May, the North American Electric Reliability Corporation warned of high and elevated risks of energy shortfalls throughout much of the United States this summer. The looming threat of blackouts reminds us of the need for more baseload electricity.

I look forward to working with Senator Carper to push for the paired confirmation of these two NRC nominees so they can get to work quickly, which I know they will.

In contrast, I am strongly opposed to the third nominee we are voting on today: Joe Goffman, President Biden's nominee to serve as Assistant Administrator for EPA's Office of Air and Radiation.

At the end of last month, the United States Supreme Court issued a landmark opinion in West Virginia versus the EPA. The court ruled that the EPA had clearly overstepped its authority in issuing the so-called "Clean Power Plan," which Mr. Goffman developed.

His response to the Supreme Court's decision reaffirmed why I am opposed to him. After the decision was released, Mr.

Goffman told the New York Times that "the case does not really take anything off the menu that we have been focused on."

Despite the court saying that EPA lacks authority to manage the electricity system, he still plans to pursue a host of policies to force electricity to shift away from coal and natural gas to renewables. Inflation hit a 40-year high in June based on statistics released just last week, and energy costs climbed greater than 40 percent over the last year. As I talked about earlier, much of the Country is already facing reliability challenges.

Meanwhile, Mr. Goffman is hard at work on a suite of policies that will threaten reliability and continue to inflate energy prices, making hard-working American families pay more. Just one of those policies, the so-called "Good Neighbor Rule," currently under development by Mr. Goffman, would drive up West Virginia's electricity prices another 5 percent.

On June 21st, the Midcontinent Independent System Operator, in charge of operating much of the electric grid through the middle of the Country, said that that same proposal threatens the reliability of the electric power system.

With rising inflation and energy challenges at home and abroad, worsened by the war in Ukraine, we have too much at stake to put Mr. Goffman in charge of such an important EPA office. I strongly oppose his nomination, and I urge my

colleagues to do the same.

Thank you, Mr. Chair.

[The prepared statement of Senator Capito follows:]



Senator Carper. Thank you, Senator Capito. Are there other members, would others like to speak? Senator Cardin?

Senator Cardin. Thank you, Mr. Chairman. It is nice to see you back.

Senator Carper. It is great to be back. Thank you, Ben.

Senator Cardin. We are taking up some GSA resolutions. One of them deals with the general use of GSA issues. As in previous years, I requested GSA to advise me as to whether any of those funds would be used for the FBI headquarters.

As you know, this year, the GSA is proceeding under the omnibus language in the appropriations bill for consolidated facility for the FBI. I requested a letter that none of these funds would be utilized for the Pennsylvania Avenue FBI facilities. I have a letter from GSA indicating they the priorities for the use of the funds do not include the FBI, and I would ask unanimous consent that that letter be made part of our record.

Senator Carper. Without objection.

[The referenced information follows:]

Senator Cardin. I would also point out that we need to maintain our focus on a new FBI headquarters, and I thank GSA for its important work on this ongoing project.

Senator Carper. Thank you, Senator Cardin. Others please, who might like to speak, while we are waiting for a quorum?

I understand, from Mary Frances Repko, our Staff Director on our side, that we have a quorum. We have enough people to vote on two of our three nominees and the GSA resolutions.

With that, I now call up the nomination, Number 2052, Annie Caputo of Virginia to be a Member of the Nuclear Regulatory Commission for the term of five years, expiring June 30th, 2026, as well as Presidential Nomination 2054, Brad Crowell of Nevada to be a Member of the Nuclear Regulatory Commission for the term of five years, expiring June 30th, 2027, and on top of that, 15 resolutions relating to the General Services Administration en bloc.

I note that a quorum is present and I move to approve and report the nominations and resolutions favorably to the Senate. Is there a second?

Senator Capito. Second.

Senator Carper. It has been moved and seconded. All in favor, say aye.

[Chorus of ayes.]

Senator Carper. Opposed, say nay.

[No audible response.]

Senator Carper. In the opinion of the chair, the ayes have it. The nominations and 15 resolutions en bloc are approved and favorably reported to the Senate.

That will conclude for now this morning's committee votes. I am now happy to recognize any member who wishes to make a statement on the nominations we have voted on today or the resolutions that we have just approved. Anybody who would like to make a comment?

Let me just say to everyone who has been here for this voice vote, thank you very much for joining us. We now have concluded the business meeting. Before we move on, I ask unanimous consent to submit additional materials related to this morning's votes for the record. Without objection.

[The referenced information follows:]

Senator Carper. Let us now proceed with this morning's hearing.

[Whereupon, at 10:01 a.m., the committee proceeded to other business.]