

**Testimony of
Acting-Administrator Andrew Wheeler
before
Senate Committee on Environment and Public Works
August 1, 2018**

Good morning, Mr. Chairman, Ranking Member Carper, and members of the committee.

As I said in my confirmation hearing, I am truly honored to appear before the same committee that I spent 14 years working on.

I am humbled and grateful that President Donald Trump has given me the opportunity to lead the Environmental Protection Agency– the very Agency where I began my career in 1991 in the Pollution Prevention and Toxics Office.

When President Trump called me and appointed me Acting Administrator, he asked me to focus on three things: Clean up the air, clean up the water, and provide regulatory relief to help the economy thrive and create more jobs for American workers.

I believe we can accomplish all three at the same time. In fact, we have already made progress on all these fronts in just the past few weeks. We haven't slowed down; we haven't missed a step.

On my first day as Acting Administrator, we sent to the Office of Management and Budget (OMB) for interagency review a proposed rule to set state guidelines for greenhouse gas emissions from power plants.

We recently finalized the first set of revisions to the 2015 regulations for the disposal of coal ash. These actions will provide states and utilities much-needed flexibility in the management of coal ash.

Last week, we issued a final rule that codifies the animal waste report exemptions which were signed into law in the Fair Agricultural Reporting Method (FARM) Act.

We also approved pathways for biofuel derived from sorghum. This action lays the groundwork for more homegrown fuels under the Renewable Fuels Standard and adds diversity to the nation's biofuel mix.

Finally, we recently commemorated the one-year anniversary of the Superfund Task Force Report and highlighted the tremendous progress we've made cleaning up sites and returning them to productive use.

As you can see, we are continuing the President's agenda posthaste. The combination of regulatory relief and the President's historic tax cuts continues to spur economic growth across the country, particularly in communities that were previously – and wrongly – ignored or forgotten.

We have made historic progress at EPA since President Trump took office. But we have more work to do. One way we can fulfill the President's agenda is by providing more certainty to the American people. A lack of certainty from EPA hinders environmental protections and creates paralysis in the marketplace.

We will prioritize certainty in three areas: Certainty to the states and local governments, including tribes; certainty within EPA programs, such as permitting and enforcement actions; and certainty in risk communication.

First, we need to provide more certainty to the states, who are the primary implementers and enforcers of many of our environmental laws and programs. For example, the Clean Water Act lays out the process by which states can take charge of their own pollutant discharge elimination systems. EPA's recent approval of Idaho's program is a great example of EPA working cooperatively with states to provide them certainty with respect to water permitting.

We are also collaborating with states to improve air quality. Since March 2017, EPA has turned an average of one Federal Implementation Plan into a State Implementation Plan each month. These actions provide states clarity and certainty as they strive to reduce air pollution.

We will continue to work closely with the states to ensure our mutual responsibilities under the law are fulfilled.

Second, we need to provide greater certainty within EPA programs. For example, we need to improve our permitting processes. Permitting issues can heavily impact small and mid-sized businesses – the backbone of the American economy. Prior to this administration, we were not systematically tracking permit decisions.

Through EPA's Lean Management System and the recently created Office of Continuous Improvement, we are now tracking the time it takes to issue permits. Our goal is to make all permit decisions, up or down, in six months. If we are able to accomplish this, we will make a profound, transformative change in how the Agency carries out its responsibilities. I am not suggesting that we approve all permits within a set amount of time. I am suggesting that we make a decision, yes or no, within a set amount of time.

On a similar front, we must provide more certainty in our enforcement actions. During my time in private practice, I learned firsthand the importance of timely enforcement actions. Companies must disclose pending enforcement actions in their annual shareholder reports, and when EPA doesn't settle and enforcement actions linger for years, companies must still report them. This hurts the competitiveness of U.S. businesses. It also delays actions that may be necessary to prevent harm to the environment. Let me be clear: I'm not advocating for letting people off the hook or reducing fines. Rather, I'm advocating for making enforcement decisions in a timely and consistent manner. Accomplishing this will dramatically improve our relationship with American businesses and workers.

Third, and finally, we need to provide more certainty in risk communication. Risk communication goes to the heart of EPA's mission of protecting public health and the environment. As an Agency, we must be able to speak with one voice and clearly explain to the American people the environmental and health risks they face in their daily lives. We have fallen short in this area, from our response to September 11th to recent events surrounding the Gold King Mine in Colorado, and Flint, Michigan. We owe it to the American public to ensure this doesn't happen again.

The reality is that risk communication disproportionately impacts people at the lower end of the socioeconomic ladder. They are the ones who often live, work, or go to school near industrial facilities or areas with environmental hazards. They are most impacted by how well – or poorly – we communicate health risks. EPA owes it to the American public to be able to explain in very simple and easy to understand terms, “What are the risks that they face in their daily lives?” As an Agency, we need to provide this certainty to the American public.

If we are able to improve in these areas – and I believe we can – and provide more certainty to the public and the regulated community, we can dramatically enhance environmental protections and give the private sector the clarity and transparency it needs to grow and create more jobs.

I believe in this Agency. I believe in its mission. And I believe in its personnel. Again, I began my career in Washington as an EPA career employee. Like so many of our hardworking career employees, I came to the Agency to help the environment.

I'd like to take a minute to talk about my fellow EPA employees. I know how dedicated and passionate they are, and it is a privilege to work alongside them. I have told them that my instinct will be to defend their work, and I will seek the facts from them before drawing conclusions.

As an Agency, we are only as good as the sum of our human capital. My first trip as Deputy Administrator was to visit our campus at Research Triangle Park. I have already visited our offices in Regions 1, 2, 3, and 4, and I plan to travel to the rest as soon as possible. In July, I had a robust and productive dialogue with senior career and political leadership from EPA headquarters and all 10 regions at our two-day Senior Leadership Council. I want to ensure that EPA employees are getting the support they need to carry out our important work on behalf of the American people to protect public health and the environment.

We have important work before us. However, let us not forget that the United States is the gold standard worldwide for environmental protection. We have come a long way in the past several decades.

Since 1970, emissions of the six criteria air pollutants regulated under the National Ambient Air Quality Standards established through the Clean Air Act have dropped 73 percent, while the U.S. gross domestic product grew by over 250 percent. This is a remarkable achievement that should be recognized, celebrated, and replicated around the world. A 73 percent reduction in any other social ill – crime, poverty, diseases, or drug addiction – would lead the evening news.

This is just one of the many reasons the U.S. is a global leader in environmental stewardship. The world is watching us. We will not shirk this responsibility or take it lightly. In the short time

that I have served as Acting Administrator, I've already met with two of my international counterparts. I look forward to further developing those relationships and engaging with other environmental ministers from around the world.

America is blessed with abundant natural resources – resources we use to fuel and feed the world. We will continue to protect and steward these resources for the benefit of ourselves and our posterity.

Thank you, and I look forward to answering your questions.