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

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HEARING ON THE NOMINATION OF THE HONORABLE LEE M. ZELDIN TO BE  
ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Thursday, January 16, 2025

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee met, pursuant to notice, at 10:00 a.m. in room 406, Dirksen Senate Office Building, the Honorable Shelley Moore Capito [chairman of the committee] presiding.

Present: Senators Capito, Whitehouse, Cramer, Lummis, Curtis, Graham, Sullivan, Ricketts, Wicker, Boozman, Moran, Sanders, Merkley, Markey, Kelly, Padilla, Schiff, Blunt Rochester, Alsobrooks.

Also present: Senator Barrasso.

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

Senator Capito. Good morning, and welcome. Thank you all for your interest in what is going on in not just our committee, but on Capitol Hill and around the Country.

I am excited to welcome all of you to the EPW Committee hearing, the first one of the 119th Congress, and my first as the Chairman. I like this little sign here, I must admit.

This is also the first hearing that I am going to have with Senator Whitehouse as the Ranking Member. Like me, Ranking Member Whitehouse has served on the EPW Committee since he came to the Senate. He is a passionate and vocal advocate on behalf of Rhode Island and of his constituents, and he is a great partner here on this committee in delivering legislative solutions for the American public.

I am proud of our previous efforts that we have worked together to move bipartisan legislation forward, such as laws to support carbon capture utilization and sequestration technology, as well as the ADVANCE Act, which we passed and worked together on several years and finally got it over the finish line last year, and it was signed into law, in working to modernize the Nuclear Regulatory Commission.

My partnership with Ranking Member Whitehouse on these issues reflects the broader tradition of this EPW Committee.

Quite honestly, we have some tough issues sometimes in here where we have strong disagreements, but we always want to find common ground. This committee has a strong legacy of working together to pass bipartisan legislation to improve our Nation's infrastructure, invest in our water systems, and help clean up our environment.

I look forward to continuing this strong bipartisan tradition as the Chairman of the committee, working with the Ranking Member and all of our members to address critical issues within our jurisdiction of this Congress.

This morning, we will hear from President Trump's nominee to lead the Environmental Protection Agency, former Congressman Lee Zeldin. Welcome.

Congressman Zeldin has served our Nation honorably in the U.S. Army, first on active duty and then in the Army Reserve. In 2014, Congressman Zeldin was elected to the House of Representatives, where he served the State of New York for eight years. Throughout his tenure in the House of Representatives, Congressman Zeldin championed critical environmental policies that helped his Long Island District. He supported legislation to boost innovation for clean energy, technologies, and policies that strengthened our Nation's energy security.

I enjoyed meeting Congressman Zeldin to hear about his experience and his vision for how he would prioritize the

agency's work as the EPA Administrator. I believe the EPA must return to its core missions. The EPA also should better manage taxpayers' dollars by doing more with the vast funding that Congress provides. That means reducing, of course, bureaucratic red tape so the State agencies responsible for protecting our Nation's air, land, and water can do so without Washington, D.C. getting in the way.

Doing so will lead to those State agencies efficiently improving our drinking water systems and issuing relevant air, land, and water permits. It also means prioritizing the EPA's attention towards issues that will help Americans in their daily lives. When the EPA focuses on what it does best, it doesn't just benefit the environment; it benefits our economic growth.

For example, the agency should prioritize cleaning up Brownfields and Superfund sites to facilitate new economic development of those locations, many of those of which are located in rural and distressed areas. I look forward to hearing Congressman Zeldin's plan to build on the work initiated by the first Trump Administration, including the EPA which took the first step to address legacy PFAS contaminants.

As the agency fulfills its obligation under our Nation's bedrock environmental laws, the Administrator should also take into account the affordability and electric reliability. Recently, the organization responsible for ensuring grid

reliability found that more than half of the United States could experience rolling blackouts in the next decade because of the lack of reliable power capacity. Areas at risk of shortages include New England, the Mid-Atlantic, California, the Midwest, and the Great Plains.

The reliability risk is due to the projected retirement of dispatchable power plants compiled with a 15 percent increase in electricity demand over the next decade. Critically, this demand cannot be met solely with intermittent energy generation. Spiking energy costs and rolling blackouts are an unacceptable fact if the U.S. is to continue as a global leader.

Actions that policymakers and regulators take now will determine whether Americans thrive in an era with a cleaner environment, energy abundance, lower costs, and economic prosperity, or face it with a path of scarcity, inflation, and stagnation. I support that first option I named and believe our nominee does as well.

I have confidence that the EPA under Congressman Zeldin's leadership will focus on the EPA's core mission: to protect human health and the environment while acknowledging the critical role the agency plays in our economic and international leadership. In doing so, the EPA can make great progress in addressing key environmental challenges, consistent with the authorities Congress has given the agency.

I look forward to discussing these issues with Congressman Zeldin today, and I now recognize our Ranking Member, Senator 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, Madam Chair. There are three things: first, I would like to let everyone know that I like the Chairman.

[Laughter.]

Senator Whitehouse. That is a good start, and in that context, I would like to present her, as the new Chairman, this gavel.

Senator Capito. Oh, thank you.

Senator Whitehouse. It was made in 1956 of wood from the old West Virginia Statehouse by the McKinley Vocational High School in Wheeling, West Virginia. It was presented to the then-Governor of West Virginia, Hulett Smith, who kept it upon his departure. He was term limited out, and that was significant for, among other reasons, that it opened the office to the Chairman's father, Arch Moore.

Madam Chair, may you bang it in good health.

Senator Capito. Thank you, oh my goodness. Very nice, thank you.

Senator Whitehouse. Second, we have indeed worked well together. We have together successfully advanced nuclear energy reform; we have together successfully encouraged and expanded carbon capture, and the WRDA and highway bills present big



bipartisan opportunities for more work together. I even hope, together, we can revive permitting reform. There is plenty of good opportunity. As I speak of bipartisan matters, let me also welcome Senator Curtis, our newly elected member of this committee on the Republican side.

Last, I want to show everyone this map of my home State. The bright green parts are parts that are destined to flood, permanently, underwater, lost to the sea in decades ahead. Congressman Zeldin will be familiar with this risk from his home, Suffolk County.

Fossil fuel pollution is the cause of that. It will change the map of my State, and it will do us crippling economic damage. As I see it, we have been through three eras on climate. First, was the era of science, and scientists, our headlights, did their job, predicting accurately what was going to happen. NASA scientists, academic scientists, IPCC scientists, Exxon scientists, they did their job.

Next came the era of politics, where it was our job to heed the warnings of science and head off those dangers. We failed, badly, and for the worst of all reasons: we succumbed to a massive, deliberate campaign of lies and corruption by the polluters themselves.

That failure ushers in now an era of consequences, consequences we should have headed off, but didn't. It is

beginning in creeping, seeping inflation, as goods become harder to grow, produce and ship in upended weather patterns. It is upon us already in forward-looking industries like insurance. Good luck with property insurance in Florida and California.

The worst danger is systemic economic crashes. One widely warned of in economic literature is the carbon bubble, bursting when the international oil cartel or the massive government subsidies cease propping up fossil fuel, and stranded assets lose all value, and the resulting shock cascades into the global economy.

The other, upon us already, is climate risk, making property insurance unaffordable or unavailable, which in turn makes mortgages unavailable, which in turn, crashes property values.

Remember this map. Before all that land went underwater, it would become uninsurable, and that is still water flooding. Throw in big storms, and there is a whole coastal un-insurability crisis looming. The chief economist for Freddie Mac predicted a coastal property values crash cascading through the economy like the 2008 Great Recession, and that coastal danger is now matched by western wildfire risk, like we are seeing right now in Los Angeles, launching the same insurance to mortgage to property values collapse.

Let us be clear: we are in this perilous place because a

campaign of lies and corruption and pollution delivered deliberately and at industrial scale by the fossil fuel industry was accomplished through an armada of paid front groups. So we are clear, it is not just me warning of significant economic harms ahead. I will circulate to all colleagues, lucky you, this compendium of the published warnings for you and all of your staffs to review. This threat is real.

If a sharp-eyed cabin boy on the Titanic had happened that night to see the iceberg ahead, you would expect him to do whatever he could to fight his way to the captain's table in the fancy dining room and warn of the impending disaster, so please understand that map of my State and the sense of urgency that I feel. I am confident that the Chairman would equal me in energy and determination for any similar dangers to her Mountain State.

So it is through this lens of urgency that I approach this nomination hearing. President Trump has called climate change a hoax. While running for President, he met with fossil fuel industry executives and told them they should give him a billion dollars in exchange for his reversing the rules that protect our air and water and limit the pollution that is driving climate change, and indeed, fossil fuel companies and executives lavished millions and millions of dollars on the Trump campaign and affiliated organizations.

These special interests now expect a return on their

political investment. They expect a reversal of the already limited protections we have for our air and water. Make no mistake, not only would reversing these protections harm our air, water, public health, and climate, doing so would also cost Americans money, as they would be forced to spend more to fuel their cars, to buy their groceries, to heat and cool their homes and businesses. That is money that would go directly from every hardworking American's wallet into the accounts of billionaire fossil fuel barons and giant oil companies.

The question, then, for Mr. Zeldin here before us as President Trump's nominee to run the Environmental Protection Agency, is simple. Will he follow the science and the economics and protect our air, water, and climate, or will he merely be a rubber stamp for looters and polluters who are setting the Trump agenda?

I must say, this role at polluter-funded organizations, such as the America First Policy Institute and America First Works, his long list of Trump-affiliated consulting clients, and his anti-climate op-eds paid for by dark money organizations do not give me confidence that he will be an honest broker if confirmed to lead EPA.

I really want this to work. That is how high the stakes are. I am not here trying to score points; I am here trying to steer us away from what I see as a calamity ahead. I will

therefore be watching closely today to see if Congressman Zeldin is able to differentiate himself in any substantive ways from the polluter agenda and the economic crashes likely to ensue.

Thank you, Madam Chair. Here is to a productive relationship in this important committee.

[The prepared statement of Senator Whitehouse follows:]

Senator Capito. Thank you, Senator. Thank you for the gavel. That has great meaning to me, so I very much appreciate that. I am actually from the northern part of the State, where it was made, so thank you.

I am now going to turn to Senator Barrasso, who is going to be introducing Congressman Zeldin.

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

Senator Barrasso. Thank you very much, Chairman Capito, Ranking Member Whitehouse, members of the committee. Thank you for allowing me to be here today to introduce Congressman Lee Zeldin, who has been nominated to be the Administrator of the Environmental Protection Agency.

The EPA is very important to Wyoming and to the Nation. It is responsible for protecting our air, our water, and our communities. Americans deserve clean air and clean water. They also deserve clear rules and common sense from the government.

Over the last four years, they have gotten neither. The EPA has pushed policies that killed jobs in Wyoming and raised the cost for families across the Nation. They also pursued rules that shut down power generation and threatened electric reliability.

Americans should be able to take for granted that the lights will go on when they flip the switch. They should know that those making the rules understand that their livelihoods depend on a balanced and measured approach.

Instead, the approach over the last four years has been based solely on radical environmentalism. Congressman Zeldin will correct the course of the EPA. He has been highly motivated from a young age and graduated from law school at age

23. He has over 20 years of military experience and service, and he is still counting those, because Lieutenant Colonel Zeldin has a range of experience in the army. He was a military intelligence officer, a prosecutor, and military magistrate. He is a veteran of Operation Iraqi Freedom, where he served in the Army's 82nd airborne division as a paratrooper, and just last weekend, was on Army Reserve duty.

His public service doesn't end there. In addition to his time in the U.S. Congress, he served in the New York State Senate. He knows firsthand how important it is for the Federal Government to be a partner to States rather than an out-of-touch regulator.

This is the dedication and understanding that Lee Zeldin will bring to the EPA. His experience shows that he knows how to balance multiple priorities. He understands that we must be good stewards of the environment without crippling the economy.

Many organizations, both public and private, agree that Lee is the right person for the job. One of those organizations is the National Association of Clean Water Agencies. In a letter to the committee, the association said, "He has shown a willingness to engage with a broad spectrum of stakeholders to address pressing issues. This approach is critical for achieving EPA's mission in a way that balances environmental protection," they say, "and pragmatic public policy



implementation.”

He has strong support from his community back home. The Long Island Water Conference has said, “We are offering our strong support for fellow Long Islander and New Yorker, Lee Zeldin.” They go on to say: “We believe that Mr. Zeldin’s experience will provide a balanced approach to the regulatory process. This will ultimately,” they say, “provide effective protection of public health and the environment.”

Reading this about balanced approach reminded me, and Cynthia might have been there as a young, young girl in 1963, when John Kennedy, President of the United States, came to Wyoming. He came with Stewart Udall, who was his Secretary of Interior. It was a conservation tour of the west. Stewart Udall, the Interior Department building is now named after him, and his son, Tom, served with many of us on this very committee. He sat right there, where Senator Padilla is sitting right now.

I brought this picture that has been hanging on my wall in the office in D307, and it is John Kennedy in the Field House of the University of Wyoming, addressing the largest indoor arena that we had and the largest standing-only crowds in 1963 as part of his conservation tour. What John Kennedy said that day, he said “We must maintain a living balance between man’s actions and nature’s reactions.” That is the kind of job that I believe that Lee Zeldin is going to do for our Nation at the EPA,

maintain a living balance.

I share this organization, the Long Island Water Conference, in their confidence that Lee Zeldin will lead the EPA in a more balanced and even-handed direction, so I say, Lee, congratulations on your nomination. I look forward to working with you on these important issues.

I once again thank the committee for letting me join you today. Thank you, Madam Chairman.

[The prepared statement of Senator Barrasso follows:]

Senator Capito. Thank you. As a former chair of this committee yourself, we welcome you back anytime.

We are going to switch seats here and ask the nominee to come forward.

We didn't want your first utterances to be as a John Barrasso imitator, so we wanted to make sure we had the right name. Welcome to the committee, Mr. Zeldin. I look forward to your opening statement.

Thank you.

STATEMENT OF THE HONORABLE LEE M. ZELDIN, NOMINEE FOR EPA  
ADMINISTRATOR

Mr. Zeldin. Thank you, Chairman Capito, Ranking Member Whitehouse, and all the distinguished members of this committee.

It has been an honor to meet with all of you to learn more about your highest priorities. I look forward to working with all Senators on this committee on both sides of the aisle to tackle the most pressing issues facing our Country.

I humbly sit before you, nominated to serve as the 17th Administrator of the Environmental Protection Agency. The American people made their voices heard in November, giving President Trump a mandate to lead our Nation to prosperity. I am grateful that the President-elect is giving me the opportunity to lead the EPA at this critical time.

Our mission is simple, but essential: to protect human health and the environment. We must do everything in our power to harness the greatness of American innovation with the greatness of American conservation and environmental stewardship. We must ensure we are protecting the environment while also protecting our economy. Throughout my life, I have been privileged to hold such titles as Congressman and State Senator and Lieutenant Colonel, but none has meant more to me than husband, son, and father.

While one of my identical twin daughters, Ariana, is now

back at college, I am excited to be joined here today by my wife, Diana, and our daughter, Mikayla, as well as my mother, Meryl.

The American people need leaders who can find common ground to solve the urgent issues we face. I want my daughters, your loved ones, and every child across our Country to thrive in a world with clean air, clean water, and boundless opportunity. If confirmed, I pledge to enthusiastically uphold the EPA's mission.

I will foster a collaborative culture within the agency, supporting career staff who have dedicated themselves to this mission. I strongly believe we have a moral responsibility to be good stewards of our environment for generations to come.

It has been so motivating to see the tremendous talent stepping up to serve in the EPA. I couldn't be more excited to partner with our EPA tea nationwide to exceptionally serve the American public.

I had the honor of working with many of you when I represented New York's First Congressional District. My district on the eastern end of Long Island was unique in that it was almost completely surrounded by water. My constituents took environmental issues very seriously, and I developed a record in Congress fighting hard and with great success advancing their local priorities.

I worked across party lines to preserve the Long Island Sound and Plum Island. I supported key legislation that became historic bipartisan success stories, like the Great American Outdoors Act, and Senator Sullivan and Whitehouse's Save Our Seas Act to clean up plastics from our oceans. Whether it was leading the fight for Sea Grant, combating PFAS in drinking water, voting for the Lautenberg Chemical Safety Act, or supporting clean energy projects on Long Island, I was proud to do my part to secure these environmental victories.

Georgetown University and the Lugar Center consistently ranked me one of the most bipartisan members of Congress, and to that end, I joined the bipartisan Climate Solutions Caucus to focus on tackling the challenges of a changing climate.

If confirmed, I want to work with all of you to address the unique environmental issues facing your State. Not only do I want to partner with you; I want to learn from you. I ask you all what a former Administrator asked a great chairman of this committee from my home State, Senator Daniel Patrick Moynihan: what advice would you give me as I undertake to lead EPA? I look forward to having this discussion with each of you.

The EPA must be better stewards of tax dollars, honor cooperative federalism, and be transparent and accountable to Congress and the public. The American people elected President Trump last November in part due to serious concerns about upward

economic mobility and their struggle to make ends meet. Too many of our fellow Americans are trapped in poverty and desperate for a whole-of-government approach to give them a hand up. We can and we must protect our precious environment without suffocating the economy.

A big part of this will require building private sector collaboration to promote common sense, smart regulation that will allow American innovation to continue to lead the world. If confirmed, under the EPA, with my leadership, we will prioritize compliance as much as possible. I believe in the rule of law, and I want to work with people to ensure they do their part to protect our environment.

Success is defined for many, including me, as leaving this world better than we found it. I want every child in this Nation, including my daughters and your children, to inherit a world with clean air, clean water, and a thriving economy. This mission must transcend politics, and I look forward to working with all of you to achieve it.

I thank you, Chairman Capito, Ranking Member Whitehouse, and all the members of this committee. I am eager to answer your questions and discuss the issues facing your constituents.

[The prepared statement of Mr. Zeldin follows:]

Senator Capito. Thank you.

We are now ready to begin with the questioning portion for our witness. Senator Whitehouse have agreed to have two rounds of five minutes for questioning, so let us try to keep our first questions within the five minutes, in respect for everybody's time.

To begin, this committee has three standing yes-or-no questions that it asks all the nominees who appear before the committee, so I want to ask you these three questions.

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

Mr. Zeldin. Yes.

Senator Capito. Do you agree to ensure that testimony, briefings, documents, and electronic and other forms of communications of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Mr. Zeldin. Yes.

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

Mr. Zeldin. No.



Senator Capito. Thank you. I will begin questioning, and then I will go to the Ranking Member.

In my opening statement, I talked about reliability issues and affordability issues, as we face the future, here. During the last four years, the EPA issued a number of rules and numbers of rules, including the Clean Power Plan 2.0, which was intentionally designed to impose massive new costs on reliable coal-fired and natural gas plants in a deliberate effort to shut these plants down.

Unsurprisingly, over this same period of time, the cost of energy skyrocketed 23 percent over the last four years. Now, our Nation's electric reliability experts, the North American Electric Reliability Corporation, forecasts over half of the United States could face potential electrical shortages and blackouts in the next decade. This is a dire situation on the reliability. This demand is driven by our onshoring of our manufacturing and powering data centers and other things to win the artificial intelligence race.

Congressman Zeldin, as you oversee and implement the EPA's statutory obligations to protect public health and the environment, will you also ensure that the agency takes into account the electric reliability and energy affordability impacts on businesses and American families that need it to keep their lights on and to heat their homes?

Mr. Zeldin. Yes, absolutely.

Senator Capito. What is your vision for fulfilling the EPA's statutory mission, particularly in the context of getting the agency reoriented back to the basics of protecting communities from air, water, and chemical pollutions and cleaning up contaminated sites? What ideas do you have moving forward?

Mr. Zeldin. Chairman, it is important that the EPA is honoring our obligations under the law, fulfilling the historic landmark laws that are one the books, like the Clean Air Act, the Clean Water Act, the Safe Drinking Water Act. It is important that the EPA is accountable and transparent to all of you here on this committee.

It is important that we are working closely in collaboration with career staff at the EPA and working closely with other agencies where there is overlapping jurisdiction. To make sure that we are following our new obligations under the law as Congress enacts new laws moving forward. To make sure that we are abiding by the Administrative Procedures Act, that I, as Administrator, I am not pre-judging outcomes, that I am making sure that our actions are durable, that they are able to withstand scrutiny, and at the end of the day, I am able to sit before you at further hearings and be able to account for my actions as Administrator and our actions as an agency.

I look forward to working with all of you in order to make sure that Congress's intent is filled , that we also honor the Loper Bright Decision that was just issued by the Supreme Court to make sure that it is, in fact, Congress's intent that is being implemented, and it is not us as an agency filling in any gaps however we might see fit. It requires a close collaboration not just internally within the agency, but with each and every one of you, as well.

Senator Capito. Thank you. I should have welcomed your wife, Diana, and Mikayla, and your mother, Meryl. We miss Ariana, but I hope she is watching it from afar.

I want to talk about PFAS. West Virginians have had firsthand experience with PFAS contamination and pollution. Everybody does, but we have had a little more, I think we had a little bit earlier, discovered earlier. I want to continue. We tried, last session, to get some leading legislative efforts to try to protect essential service providers and American taxpayers from costly litigation and liability. It is a very complicated issue, as you know, but it speaks to one of the core missions of the EPA, which is safe drinking water and clean water.

I understand that your New York district has actually experienced the negative effects of PFAS pollution. If confirmed, how do you plan to address the growing challenge of

PFAS pollution through the EPA's existing authorities?

Mr. Zeldin. Chairman, when I was in the House, I was a member of the PFAS Task Force. I also voted for the PFAS Action Act. EPA has an important responsibility to make sure that our obligations are implemented correctly. That is something that, through our enforcement and compliance, we have to ensure that we are moving the needle all across this entire Country. There are cleanup projects large and small across America, where many Americans have been waiting decades, generations, for that leadership and that action, so working with all of you to deal with these issues in your home State is something that will be top priority of mine.

Senator Capito. Thank you. I will turn it over to the Ranking Member.

Senator Whitehouse. Thanks. Before I get to my questions, if you would be kind enough to entertain a unanimous consent request to put certain documents into the record.

Senator Capito. Yes.

Senator Whitehouse. I will not put this beast into the record. I will spare everybody that, but I will be circulating it to your offices. I would like to put into the record the cover article from the Economist Magazine from this April warning of the next housing disaster from the climate risk to insurance to mortgages to property values cascade.

Senator Capito. Without objection.

[The referenced information follows:]

Senator Whitehouse. We put a lot of work into this when I was chair of the Budget Committee.

I would also like to put in the report summarizing the evidence we used in the Budget Committee on the same insurance crisis.

Senator Capito. Without objection.

[The referenced information follows:]

Senator Whitehouse. I have also a letter here from CREW, Citizens for Responsibility and Ethics in Washington, regarding the Zeldin nomination.

Senator Capito. Without objection.

[The referenced information follows:]

Senator Whitehouse. Finally, I have a letter dated January 15th, 2025 submitted by the Climate Action Campaign and signed by over 70 environmental organizations concerning the nomination.

Senator Capito. Without objection, so ordered.

[The referenced information follows:]



Senator Whitehouse. Great. Thank you very much, Chairman.

Mr. Zeldin, welcome. As we discussed when we met, I said I was going to ask you some really basic, no-tricks questions about climate change. Let me just start with those. First, as a matter of law, is carbon dioxide a pollutant?

Mr. Zeldin. Thank you, Senator. I enjoyed our meeting with your team as well, and I look forward to working with all of you.

As far as carbon dioxide emitted from you during that question, I would say no. As far as carbon dioxide that is emitted in larger masses that we hear concern about from scientists as well as from Congress, that is something that certainly needs to be focused on for the EPA.

Senator Whitehouse. And as a matter of law, it is a designated pollutant, correct?

Mr. Zeldin. Senator, while carbon dioxide is not named as one of the six in the Clean Air Act, the EPA has been treating it as such.

Senator Whitehouse. Yes, because of a Supreme Court decision that said so, correct?

Mr. Zeldin. Correct, yes, Senator.

Senator Whitehouse. What effect, briefly and in layman's terms, I know you are not a scientific expert, what effects are carbon dioxide emissions from fossil fuel combustion having in

the atmosphere?

Mr. Zeldin. Senator, while I am someone who believes strongly that we should work with the scientists, leaving the science to the scientists, the policy to the policymakers, and that we all work together, I don't sit before you as a scientist. Fortunately, at EPA, we do have many talented scientists who provide that research. They have that talent to be able to able to tell us exactly what the metrics are of their research.

Senator Whitehouse. Just generally, and in layman's terms, what effects do these carbon dioxide emissions have when they enter the atmosphere?

Mr. Zeldin. Trapping heat, Senator.

Senator Whitehouse. What effect, again, briefly and in layman's terms, does methane leakage from fossil fuel production and transport have in the atmosphere?

Mr. Zeldin. Same.

Senator Whitehouse. Heat trapping, also. What effect, I am from the Ocean State, so I have to ask this one: what effect are carbon dioxide emissions from fossil fuel combustion having in the oceans?

Mr. Zeldin. Well, the emissions of greenhouse gases trap heat. As far as your concern that you expressed at the onset of your testimony, as you showed that map of Rhode Island, and as

you suggested, and as I mentioned, I represented a district on the east end of Long Island, rising sea levels are concerns where I am from, as well. It is one of the reasons why the Federal Government, through the Army Corps, had to invest in an Army Corps of Engineers project with the revetment of Montauk Lighthouse with fear that if we did not do that, that Montauk Lighthouse, and due to erosion, would be collapsing into the ocean.

Senator Whitehouse. So, is it correct that the trapped heat from carbon dioxide emissions and methane in the atmosphere is heating up the oceans? In fact, 90 percent of the heat goes into the oceans, and that is what is producing the sea level rise you just discussed?

Mr. Zeldin. That is what the scientists tell me, Senator.

Senator Whitehouse. Yes. Are the oceans also absorbing about 30 percent of the carbon dioxide itself, and therefore, chemically turning more acid in measurable and clear ways?

Mr. Zeldin. Senator, as far as any specific numbers, I have to defer to the research of the scientists.

Senator Whitehouse. But generally, that is happening, there is a link between the fossil fuel emissions and the acidification of the oceans.

Mr. Zeldin. Yes, Senator, I do understand that there is litigation here that to a certain extent, I am not going to be

able to comment on as EPA Administrator. But to the general question, yes, Senator.

Senator Whitehouse. Have we hit the 1.5-degree risk threshold, and why is that important?

Mr. Zeldin. Senator, again, as far as being able, throughout today's hearing, to be able to personally be citing and confirming specific numbers, that is something where I have to defer to the talented scientists to be able to provide that advice on an ongoing basis, whether or not we are hitting numbers at any given time.

Senator Whitehouse. If you are confirmed, what are the key either climate or oceans tipping points that would concern you?

Mr. Zeldin. As far as the tipping point, Senator, I think that as you put up a map of your district and your State, I could put up a map of mine and we could do this across the entire Country. As long as that concern exists, where there is, in fact, rising sea levels, and I hear it from both sides of the aisle, Senator Collins spoke about it in the context of --

Senator Whitehouse. Let me pop in one last question before my time runs out, I am sorry. Are we now on a pathway to climate safety, or do we need to do more to reduce carbon emissions in order to get on that pathway?

Mr. Zeldin. Senator, the United States emissions have been going down over the course of the last couple of decades.

Unfortunately, there are other countries where it is not going in the same direction, and I would say that we will have never done enough to ensure that our water and our air is clean, safe, and healthy. Whatever we do every day to achieve this objective, we need to wake up the next day looking for ways to do more.

Senator Whitehouse. Thank you.

Senator Capito. Yes. Let me just explain to the committee, since this is my first rodeo here. What we are going to do is, whoever is here at the gavel, we will then put you in line for questioning according to seniority in the dais, and then as you come in, if you come in after I gavel down, you would be placed in line for questions. Certainly, if people need adjustments, we are willing to look at that, but that is going to be the tradition of the committee that we have agreed on.

So, we will go to Senator Cramer.

Senator Cramer. Thank you, Chair Capito and Ranking Member Whitehouse. Congratulations to both of you for assuming these important leadership roles.

Congratulations to you as well, my former colleague in the House, Mr. Zeldin. Thanks for stepping in the gap and taking on this big challenge. I know that Chair Capito has already talked a little bit about what is a really, really important issue for

me and, I think, for a lot of us, obviously. That is, an appropriate cooperative federalism role between the State and Federal Governments. There is a lot of opportunity to do that the right way and a lot of opportunity to do it the wrong way at the EPA.

I am going to point to one specific case that I think you are probably familiar with, and that is, of course, the Waters of the United States. You are, no doubt, aware of that legal, what I call, fiasco surrounding the definition of what constitutes a "waters of the United States." This has been in litigation ping pong for a long time.

The first question is a simple one, Mr. Zeldin. When you read the Sackett decision authored by Justice Alito, would you describe it as prescriptive or ambiguous as it comes to the definition of a federally jurisdictional water?

Mr. Zeldin. It was clear and prescriptive.

Senator Cramer. It was. When the decision was issued, the Biden Administration officials even told me that the direction from the Supreme Court was clear, that they didn't leave a lot of ambiguity.

Here is one portion that I wanted to chat with you about, because I believe it is particularly instructive, should you be confirmed: "Finally, it is also instructive that the Clean Water Act expressly protects the primary responsibility and rights of

States to prevent, reduce, and eliminate pollution and to plan the development and use of land and water resources. It is hard to see how the State's role in regulating water resources would remain primary if the EPA had jurisdiction over anything defined by the presence of water."

Now, I was tempted to bring the poster, but in previous definitions, as they have gone back and forth, there is one that Sackett was based on, actually, or that would be relevant to Sackett, wherein the entire State of North Dakota was basically a Federal wetland. We are a semi-arid State with badlands and big prairies.

Should you be confirmed, it would be really good if the Administrator took this decision and the legislative history behind it and started a rulemaking process post-Sackett with the assumption that States have primacy and primary responsibility for water within their States, not the Federal Government. How do you intend to approach that? Because this post-Sackett WOTUS definition is going to be really, really important.

Mr. Zeldin. Yes, Senator. With any rulemaking, as you know, not a lot to prejudge outcomes going in. It is important that corners aren't cut, where durability is sacrificed. Laws are written by Congress, and there are cases that have come out from the Supreme Court that provide the EPA with clear guidance on how we must do our job under the law.

It is important that when you are going back to your home State and you are speaking to your farmers that you are able to, with confidence, be able to explain to them that the Federal Government is doing our part, so they can define what waters of the U.S. are without them having to go hire an attorney or someone else, pay a lot of money, to ensure compliance.

I will make sure that I am doing my part, that the EPA is honoring the decision of Sackett and any future laws to come out of Congress. That is my commitment to you, and I know that was important when I met with Senator Sullivan as he was speaking about Alaska and wetlands, and so many other people on this committee. So I look forward to working with you on that.

Senator Cramer. Great answer. I appreciate that very much.

One of the things that concerns me is when I have heard, and realizing, with regard to WOTUS, you have two agencies that get involved: the permitting side at the Corps of Engineers and the EPA rulemaking, but one of the things in terms of a durable rule that I heard from some, from the current Administration, was that we are going to create a durable rule.

I think the way to do that is to make sure that while we recognize that the law is clear now, the definition is clear, all you have to do is seek a jurisdictional determination from us, the almighty, and then we will tell you whether your land



meets that definition or not, to which I say, we don't put a police officer on every car.

Can we presume that, on the very obvious, simple cases, that the landowner or the developer already knows the law and doesn't need to seek permission to do what they want to do?

Mr. Zeldin. Unfortunately, we face a reality where many farmers don't know whether or not their land, not just farmers, obviously, but a lot of people don't know whether or not their land has waters of the U.S. on it. I would say that that is a failure of the part of the Federal Government. You should be able to go to your landowners, and they should be able to, with confidence, be able to tell you, without having to ask questions, whether or not waters of the U.S. are on their property.

Senator Cramer. Thank you for that. I can tell you, North Dakota farmers are pretty bright. They know, it is just that the bureaucrats didn't. Now, hopefully, the Supreme Court has cleared that up. Thank you.

Senator Capito. Thank you.

Senator Sanders?

Senator Sanders. Thank you, and congratulations on your title here. Mr. Zeldin, thanks so much for coming into the office the other day. I enjoyed our chat.

Mr. Zeldin, 2024, as you know, was the hottest year in

recorded history. The past 10 years have been the hottest 10 years on record. We have seen, in recent years, unprecedented forest fires in the west coast and in Canada, and we are seeing the horrific situation in L.A. right now. We have seen unprecedented flooding in China, displaced millions of people there, unprecedented drought in Brazil, Africa, and elsewhere, and in Southern Africa, people are dying because of the drought and their inability to grow crops. Billions of people have been sweltering in Europe and elsewhere in unprecedented heat waves.

In the midst of all of that, President-elect Trump has said that climate change is a hoax. You will be, if confirmed, one of the leading spokespeople in this Country representing us throughout the entire world. Do you agree with President-elect Trump that climate change is a hoax?

Mr. Zeldin. First off, Senator, it was great to meet with you as well. I believe that climate change is real, as I told you. As far as President Trump goes, the context that I have heard him speak about it was with a criticism of policies that been enacted because of climate change. I think that he is concerned about the economic costs of some policies where there is a debate and a difference of opinion between parties.

Senator Sanders. I would respectfully disagree with you. I think he has called it a hoax time and time and time again.

I would just say for the record, let me ask you this

question. Some of us have used the word existential threat. What we are seeing in L.A. right now is apocalyptic, and the other terrible weather disturbances, whether in the Midwest of this Country, whether in many States that are represented right here, unprecedented floods in my small State of Vermont. We have been hit over and over again in recent years. Our State capital, Montpelier, was underwater recently, in a way that we have not seen.

Would you describe climate change as an existential threat, meaning that there must be an urgency to get our act together to address it?

Mr. Zeldin. Senator, we must, with urgency, be addressing these issues. Today, as we talk about any way at all that the EPA can do its part to make sure that our air and water are cleaner, healthier, and safer.

Senator Sanders. The thing is, look, EPA has enormous responsibilities over an enormous number of areas. I am focusing on picking up what Senator Whitehouse said. I worry very much.

Do you have kids?

Mr. Zeldin. Yes, Senator.

Senator Sanders. Okay. I worry, many of us have kids, we have grandchildren. This is serious stuff. This is beyond politics, my friends. This is the future of humanity, and if we

do not get our act together, and that is not just the United States of America, this requires international cooperation.

So let me ask you another difficult question. If tomorrow, magically, the United States Congress did all of the right things, that would not be enough. Climate change is a global crisis. It requires the cooperation of China, Russia, Europe, Latin America, et cetera.

Are you prepared to represent the United States aggressively with some of your colleagues in reaching out to countries all over the world to cut carbon emissions?

Mr. Zeldin. Senator, it is very important for I, as the Administrator of EPA, whether travelling to the G7 or the G20 or elsewhere, to be reaching out to these other countries to make sure that there is a pressure on other nations to do their part as well. It is my job to stay up at night, to lose sleep at night, to make sure that we are making our air and our water cleaner.

Senator Sanders. I know it is fashionable to be beating up on China. It is good politics. They are now the major carbon polluter in the world. We have historically had that role; we are now number two. We are not going to solve this crisis without working with China.

Are you, and hopefully your colleagues, if you are confirmed, prepared to work with China to try to lower carbon

emissions?

Mr. Zeldin. Senator, on many different issues, it is important not just to be working with nations that we are the strongest aligned with, but to also be in communication and engaged in dialogue with Countries that might be considered competitors, and also our greatest adversaries. Right now, China is an adversary in many respects.

Senator Sanders. Okay. As part of the IRA, I had a provision in there for \$7 billion to lower electric bills for working class people all over this Country by helping them install solar panels on their roof. My wife and I did it, and our electric bill went down by 80 percent. The problem is many working class and lower income people can't afford the initial cost to install the solar panels. That is what this bill does.

Can I have your word right now that you will work with me to make sure that that the Solar for All Program is rapidly and effectively implemented all over the Country?

Mr. Zeldin. Senator, it is my obligation on this and every other law enacted by Congress that I will follow my obligations under the law. When it comes to spending money, it is important that I have the ability to sit before you and account for every dollar that is being spent by the EPA, so I know that this is an important priority of you, and solar power.

Senator Sanders. Sorry. Almost saved by the bell. That

was the fossil fuel industry.

[Laughter.]

Mr. Zeldin. I look forward to working with you on that, Senator.

Senator Sanders. Thank you. Madam Chair, thank you very much.

Senator Capito. Thank you. Senator Curtis?

Senator Curtis. Thank you. Before I begin, just a big thanks to all my colleagues on the committee, Madam Chair, Mr. Ranking Member, and all my colleagues. I really look forward to working with you on this committee, and I am very excited to be part of this.

Mr. Zeldin, I am from Utah. In Utah, we are pretty proud of our beauty, of our natural resources. It really would be hard to find a more spectacular place in the United States. Everything from fine national parks, arches and monuments, and ski resorts. I think, because of that, Utahns have this inherent desire to take care of it, to leave it better than we found it, to make sure that we are not polluting. I can find total agreement in Utah that less pollution is better than more pollution; less emissions is better than more emissions, and that we want to leave the Earth better than we found it.

You and I had the benefit of working together in the House. I just want to use this opportunity to thank you for your

support of my work in talking about climate, talking about some of these issues that are being addressed this morning. I just, for all my colleagues who didn't see us work together in the House, I just want to emphasize how helpful you were getting Republicans talking about climate and dealing with some of these serious issues. I don't know if you want to comment on that, or if you have any thoughts on that.

Mr. Zeldin. Well, Senator, congratulations. I am looking forward to serving with you in this new capacity. I enjoyed our work together. I would say that there is a lot that should unite Republicans and Democrats, conservatives and liberals, as it relates to the environment.

I represented a district where people who were conservative Republicans would be able to unite with people who identify as more liberal Democrats to focus on making our environment better. That type of work together, that common ground, is what the American public are desperate for. They are looking for us to be able to find pragmatic, common sense solutions, not to be able to represent their interests here in D.C.

Senator Curtis. Yes. I will just double down. My experience says you are the right person to do that. I appreciate your efforts.

All of that said, let me talk about some problems in Utah. Some of that has to do with our geology and geography. You and

I, when you were in my office, we talked specifically about the Uinta Basin.

Eighty percent of the methane that is registered in the basin doesn't come from traditional fossil fuel sources. It comes from ground sources; it comes from air that comes into the region, and yet, they are judged and measured on that whole 100 percent, not the 20 percent that they emit. Our geography also surrounds us with mountains. We like to call them real mountains, as opposed to the hills that we have on the east coast.

Senator Capito. Whoa.

[Laughter.]

Senator Capito. I am from the Mountain State.

Senator Curtis. Good way to start up the committee.

Senator Capito. Do you want to rephrase that?

[Laughter.]

Senator Curtus. That traps in all the emissions, and they are caught in that area. Part of our discussion in my office and what I would like to talk about today is asking from your agency an acknowledgement that, despite sometimes our best efforts, and I will tell you, in Utah, government, education, business leaders, civic leaders have all come together to try to lower these emissions and meet these standards, but because of these, sometimes we can't. I would love to work with your



administration to figure out how we fairly measure that.

Could you comment on that?

Mr. Zeldin. Yes, Senator. I look forward to being able to work with you and every Senator on this committee. I want to make sure that our teams are working together. I sat on the other side of many of these hearings, and one of my greatest frustrations as a member of the House of Representatives was to send a letter, send a follow-up letter, send another letter, and then you are at a hearing, following up on your third letter, and the person who is testifying before you is acting as if they haven't received your first, second, or third.

That collaboration is very important, so that when I am sitting here before you, that I am able to be accountable to all of you, and that when you need something from the EPA and you are asking a question that we are able to provide prompt answers. Part of this, too, is a relationship and understanding, every important local priority of each of you in your home States, I want to be able to travel to your States to be able to see firsthand on the ground whatever are your top priorities.

I know, Senator, you have many top priorities in Utah. I look forward to visiting Utah and being able to see for myself and bring in a team.

Senator Curtis. Thank you. We would love to have you

there, and giving your regional administrators some flexibility. I also, for instance, flexibility in things like technology, being agnostic to the technology and being more focused on the end result, I think, would help us get some better results.

Finally, in the last few seconds, your predecessor in the House had to deal with me every time that he would come before us, talking about his low approval rate on getting chemicals approved. There is a zero percent of statutory requirement getting these chemicals approved, and I would joke with him, like you could actually, that is statistically impossible. You could stumble on some approvals accidentally.

I just want to warn you that I am going to be as tough on you as I was on him. This is important. A lot of these chemicals can replace some of these PFAS chemicals, and if we can't get them approved, it just makes the difficulty of getting these off the market near impossible. I look forward to working with you on that. I look forward to seeing you in the mountains of Utah. I yield my time.

Senator Capito. Your seat has been relocated over there by Senator Moran.

Senator Merkley?

Senator Merkley. Thank you. I am completely down with Senator Curtis's description of, my daughter and I went by U-Haul across the Country, starting on the east coast, and we went

through those east coast hills. By the morning of the third day, she woke up and saw the mountains. We were in the middle of the Rockies, and her eyes got wide, and she said, now I understand, Dad, why you say the only real mountains are in the west, so let us just say it is a bipartisan fact agreed to right here.

[Laughter.]

Senator Merkley. Mr. Zeldin, you have made an emphasis on the science being the foundation. One of the concerns that I have is regard to the role of paid influencers. You have reported that you have been paid to do various op-eds. Would you provide to the committee a list of all of the payments you have received, and who is paying you, and a copy of the op-eds that you prepared, so that we have a complete understanding of your background in that area?

Mr. Zeldin. Yes, Senator. I also have provided that as part of my financial disclosure, and of both ethics and EPA and the Office of Government Ethics has reviewed all of those submissions in providing that clear letter to the committee that there are no conflicts.

Senator Merkley. Yes, we do have your financials. They do not give the details on the text of which op-eds, and sometimes it is obscured. For example, the \$50,000 to \$100,000 that you were paid for op-eds, but it also says speaking fees, use of

media studio, and so forth.

If you could tie the actual payments for the op-eds to the op-eds you wrote, just so we have a clear and transparent understanding of that piece, because we want to have our folks serve the public interest and have that foundation of science you are speaking to, but I think the citizens deserve to understand, as we wrestle with this moment, that background, and also the background -- you have rented out your media studio multiple times. Was that for doing interviews? Did you do interviews in your media studio, and then you asked to be paid for using your own media studio, for interviews?

Mr. Zeldin. First off, to the first point, I have provided a breakdown of every individual op-ed, as well as the publication and the date of the publication. Any further, if you need us to print up what was referenced, we are happy to do that. As far as the media studio, I created, I owned a media studio, so networks could rent, can use that studio for a TV interview.

Senator Merkley. Thank you. I appreciate that, those details. I will take a look at that list.

You have also, over the course of your career, received a lot of campaign funding from the oil and gas industry. I think it is estimated \$270,000. Can you assure citizens that the campaign support you have received from oil and gas industry

will not influence your service to the public of the United States?

Mr. Zeldin. Yes, Senator. There is no donation that anyone has ever provided me at any point of any amount that is going to influence any decision that I make in this position or beyond.

Senator Merkley. Second, I want to emphasize the point that my colleagues have made about climate change. We are seeing a massive loss of insurance policies on the west coast and in Florida. In Florida, 16 companies have gone bankrupt. Another 16 have stopped issuing policies. State Farm has withdrawn a massive number of policies from California.

We had six towns burn to the ground in my home State of Oregon, less well publicized across the Country. It is really a challenge. A huge number of folks in California are having to go to a State program they created, the same in Florida, because no insurance would insure properties. The problem with those is there is no great solution. They are extremely expensive and difficult and have very limited coverage.

I want to continue on plastics. I have been very concerned about plastics. We have more and more articles. This article, I will submit for the record.

Senator Capito. Without objection.

[The referenced information follows:]

Senator Merkley. Thank you.

From the Washington Post, that has just been out about the threat between microplastics and cancer. It goes on to talk about colon cancer, the imbalance of antioxidants, lung cancer. We have had a whole series of articles about heart disease. We have this article about the cumulation of microplastics in human brains out of New Mexico.

It is out for peer review right now, but we are learning more and more. We now have plastics in breast milk, plastics in every organ of the body, and plastics in our brain. In fact, it turns out, according to this study, if this turns out to be accurate, the highest accumulation of plastics is in our brains.

We also have a record of microplastics and nano plastics affecting human fertility. Plastic is, by its chemical structure, an endocrine disruptor. Are you familiar? Have you steeped yourself in the science and problems associated with plastics in the human body?

Mr. Zeldin. Yes, Senator. I enjoyed being able to meet with you and your team in your office. We are clearly -- this is an issue of great interest and passion of yours. I would look forward to an opportunity to be able to read what you are referencing specifically, just so that I can become intimately familiar with any detail that you are citing that I have not read before.

Senator Merkley. I was hoping that was what you were going to do after our meeting in the office, you were going to go out and read all these articles.

Mr. Zeldin. I have, Senator, and I will look forward to continuing to read even further.

Senator Merkley. There is an effort by the chemical industry to say, don't worry, we will just melt everything down in big pots to keep plastics out of the waste treatments. They call it chemical recycling. It is basically thermal melting, but it has proved to only be usable in very limited, basically manufacturing waste as opposed to post consumer plastics, but they are trying to sell it as an absolute cure, don't worry, we can go from 8 percent recycling in America to a high percent.

Are you familiar with the very limited role that the chemical industry is trying to say, don't worry, be happy, on plastics?

Mr. Zeldin. I am aware, yes, sir.

Senator Merkley. Do you understand and have you made yourself knowledgeable of the inaccuracies that are being publicized about this thermal strategy?

Mr. Zeldin. Senator, I am researching and reading all that is being provided on all sides of this issue. Going back to my time in the House, I advocated to clean up our waterways around my district, and as I cited in my opening, the bipartisan work

between Senator Whitehouse and Senator Sullivan on Save Our Seas and Save Our Seas 2.0 should be a model to be followed, the bipartisanship, to go even further.

Senator Merkley. I see I am over time. I am sorry, Madam Chair. I will just close by saying, in plastics, there is a big story trying to be sold about "don't worry." It will be your responsibility to make sure you speak the truth to the American people.

Mr. Zeldin. Thank you, Senator.

Senator Capito. Senator Sullivan?

Senator Sullivan. Thank you, Madam Chair. I want to congratulate you and the Ranking Member. This is a great committee. For our new members, we get a lot of things done here, usually very bipartisan. We have some differences, but that is okay.

Mr. Zeldin, it was great meeting with you. Congratulations to your family as well, and thanks for your service. It is not always easy; we know.

Alaska, we love our clean water, clean air. We don't think, we know we have some of the cleanest air and water in the world. We are proud of that. We don't always think the EPA has helped in that regard. It is more State action, so I want to begin by getting you to commit to me to come up to Alaska with me, bring your family, we can do some fishing maybe, after you



see all the important elements of Alaska. Big mountains, no offense to Utah, but really big mountains. We have a little fun on State size in this committee. Can I get your commitment to do that?

Mr. Zeldin. Yes, Senator. Unlike predecessors of mine who attempted to try to negotiate an August trip, I would want to go when it is as cold and dark as possible.

Senator Sullivan. Good. Well, it is happening right now. We have communities in Alaska that are hitting 30, 40 below zero. So, we would love to have you in the winter and summer.

Mr. Zeldin. Senator Ricketts looks like he wants to come with me, so I look forward to it.

Senator Sullivan. We would love to have him.

Second, I really appreciate the shout out to me and Senator Whitehouse on the Save Our Seas Act and Save Our Seas 2.0. That was the most comprehensive ocean cleanup legislation in the history of the Country. Those are both signed by President Trump.

You might want to ask Senator Whitehouse at some point about the signing ceremony that we had in the Oval Office with President Trump on Save Our Seas 1.0 with Commerce Secretary Wilbur Ross and others, it was great. Can you commit to me to work with this committee, I think we already have President Trump's commitment to continue the progress we have made on

ocean cleanup, plastics cleanup? It is good bipartisan work.

The Trump Administration and the President himself is very committed, and so are we. We are already working on 3.0. We have to focus on the implementation of SOS 2.0, though. Can we get your commitment on that?

Mr. Zeldin. Yes.

Senator Sullivan. Great. Well look, I want to go back to Senator Cramer's issue of, in your opening statement, about honoring cooperative federalism. As you know, our Clean Air Act, our Clean Water Act laws from Congress contemplate a scheme of cooperative federalism that provides an active, in some cases, primary role for States on these laws. Will you commit to doing to that? Because it is a really important issue for my State.

Mr. Zeldin. Yes, Senator.

Senator Sullivan. One of the areas where we haven't seen cooperative federalism at all is the way in which the EPA and my State have a history of enforcing the laws. No offense to my Democratic colleagues, this is always what Democrat Administrations, the Obama Administration, what they do is they come in with giant, heavy-armed agents, body armor, helicopters, it is shocking.

We had a raid on some plaster miners in a place called Chicken, Alaska under President Obama. Over 30 armed agents,

body armor, to do what? Do compliance on the Clean Water Act? They didn't find one violation. They scared the hell out of the miners, okay.

Then, not to be outdone, the Biden Administration has done these raids on small mechanic shops in Alaska. They bring up EPA agents from all over the Country, 30 armed agents, kicking in doors, in mechanic shops in Alaska.

By the way, my State believes in the Second Amendment. Most of my State is armed. This is very dangerous, because some of these agents could get shot when they are coming in.

What has happened is, you don't have cooperative federalism. You have rogue EPA agents who are going to enforcement before they talk about compliance. On any of these issues, they could have gone to these mechanic shops, they could have gone to the miners, hey, we think you may be violating the Clean Water Act. Can you work with us?

No, these guys come, they had 40 agents, all of them armed, raiding these mechanic shops. It is just an outrage. Can I get your commitment to focus on compliance rather than jumping to armed enforcement?

And secondly, look, I believe in an armed citizenry. I believe in the Second Amendment. I don't believe in an armed bureaucracy. The EPA is a SWAT team. Do you believe the EPA should even have armed agents? When they go into places, they

can just have the local police or local State troopers. You have these guys out of control in Alaska, and it is dangerous.

The current EPA Administrator, I sent him letters on this. He didn't answer me. Someone is going to get hurt. Can I get your commitment to focus on compliance, civil compliance, as opposed to kicking in doors with body armor, assault rifles, helicopters? It is crazy, and it is really outrageous, and it happens under Democrats. Not President Trump, Democrats.

Mr. Zeldin. Senator, it is outrageous. The story that you told, and Senator Murkowski shared with me as well with regard to Chicken, Alaska, it led me, as somebody who is going through this transition to be asking questions as to how did that even get authorized, who signs off on it, what are the standards that need to be met in order to even say yes to an operation like that.

Senator Sullivan. When 38 agents, EPA agents from all over America, came up to raid a mechanic shop, a small business, that I think there are eight guys who owned it. They were National Guard guys, great Alaskans. Can I get your commitment on that, and to work with me? Do you think the EPA should be armed? I don't.

Mr. Zeldin. Senator, if something requires an enforcement action on a prosecutorial front, that is working with the Department of Justice, Congress has enacted laws where

enforcement is part of the effort on the compliance front. There are people and entities owning property where there is mitigation that needs to happen and where they want to work with the government to mitigate that situation on their property. We should be working with them to make it happen.

Senator Sullivan. Great. Thank you.

Senator Capito. Thanks.

Senator Kelly?

Senator Kelly. Thank you, Madam Chair.

Mr. Zeldin, congratulations on your nomination, and thanks for coming by my office a couple of weeks ago.

As we discussed, Arizona has some unique challenges that we need some help from EPA leadership on, and we need to work with you as a collaborative partner to help us address some specific air quality and water quality challenges that we are facing. And to do this in a way that does not disrupt our State's growth. We are rapidly growing State.

So let's start with air quality. As we discussed, Maricopa County, which is Phoenix, half the population of the State, is in non-attainment under the Clean Air Act for ground level ozone pollution. Now, under the Clean Air Act, the way the law assumes air quality can be improved is by reducing emissions from stationary sources of emissions, like big manufacturing. Might make sense in some parts of the Country, certainly in more

industrialized areas, the Rust Belt, the East Coast.

But it doesn't make sense in Phoenix. The reason is we are a really young State, and we don't have a history of this heavy manufacturing. And manufacturing, by the way, is not the source of our air quality challenges in Maricopa County. EPA's own modeling shows that 80 percent of the ozone forming pollutants in the Phoenix area come from either natural sources like wildfires or sources outside of the region, like California and Mexico.

This means that the typical EPA playbook for how to improve air quality and protect public health is not going to work on Phoenix. It is just not. So we need partnership and collaboration with EPA headquarters and EPA Region 9 to address these challenges.

We have been working closely with State and local officials and our business community on this. There are specific actions where we are asking for EPA partnership on. So I would like to ask for your commitment to working with us on these issues. I am going go through them, there are four of them.

First, we have several New Source Review permits currently under review by the Region 9 office. If confirmed, will you commit to ensuring that those permits are prioritized for review?

Mr. Zeldin. Senator, your priorities will be mine. We

will make sure that we follow the law, and make sure that this is top of the list.

Senator Kelly. Thank you. And second, Maricopa County has submitted two local rules which are called Rules 204 and 205, we spoke about those in my office, that would provide alternative pathways for generating offsets for new permits, for new manufacturing facilities. So remember what I said, we don't have the heavy manufacturing that is shut down that would generate a permit. So these rules have some other ways to do that.

So both rules are still pending final approval, although I understand that Region 9 and Maricopa County have been meeting weekly on this to resolve some outstanding issues. But Mr. Zeldin, will you commit to ensuring this coordination between EPA and the County can continue with a goal of having both rules approved as soon as possible?

Mr. Zeldin. Senator, while I can't pre-judge outcome as far as approval goes, on anything, you absolutely have my commitment to be able to work with you, those local partners, to come to Arizona.

You also mentioned the Yuma example as well, and as you pointed out, you come from a State where, in a place like Maricopa, you don't have a lot of these sites shutting down, you have more coming in, which is a good problem to have in one way,

but you definitely need to have partnership with EPA.

Senator Kelly. It is challenging in the other way. That is what we have to figure out.

Third, as I noted, we are still trying to understanding the long-term reasons our air quality is getting worse, and how to resolve that challenge. Will you commit to help Maricopa County develop some better models to understand why our air quality is getting worse in Maricopa County and help us find some solutions to address this long-term?

Mr. Zeldin. Yes, Senator.

Senator Kelly. And fourth, in that same vein, we know that emissions from Mexico are a serious contributor to our air quality challenges throughout Arizona. Will you commit to having the EPA Region 9 and the EPA Office of Transportation and Air Quality work with our local officials to ensure that our attainment plans account for cross-border pollution?

Mr. Zeldin. Yes, Senator. I also heard this concern from Senator Schiff and Senator Padilla as it relates to Tijuana and the southern border of California. This is clearly an issue across States. I look forward to working with you on this issue.

Senator Kelly. Finally, will you also commit to working to find solutions to ensure regions throughout the western United States aren't penalized for emissions created by wildfire smoke?



Mr. Zeldin. Yes, sir.

Senator Kelly. Thank you.

Senator Capito. Thank you. Senator Ricketts?

Senator Ricketts. Thank you, Chairman Capito, and congratulations again to Chairman Capito and Ranking Member Whitehouse on your new roles.

You mentioned our new member, Senator Curtis. We also have a new member, Senator Schiff, with us as well.

Senator Whitehouse. We actually have three new members on our side, and I have been waiting for them to assemble.

Senator Ricketts. Oh, okay, very good. I didn't want to leave Senator Schiff out. I am excited to work with the entire team here with regard to the upcoming session here.

Congressman Zeldin, good to see you again. Thank you very much for being here and we appreciate your family sacrifices in the past in serving our Country and your continued willingness to sacrifice and serve our Country in this new role.

You know, rule of law is what binds Americans' trust to government, right? All too often, we have seen under this Biden Administration that the rule of law and Congressional intent has been subverted by trying to appease radical left-wing environmentalists. That undermines people's faith in government and the rule of law and the trust of our institutions.

So thank you for your commitment to implementing the laws

as Congress has written and intended to be able to get back to the fundamentals of the EPA, which is protecting our environment, safeguarding our health and looking out for the well-being of the public.

I am excited to restore this proper balance of looming risk with using sound science to protect our environment as the EPA's mission, which is the EPA's mission as Congress directed it to do. We must follow the law to restore Nebraskans' faith in our government institutions.

So, one of the areas that you are going to have an opportunity to be able to do that has to do with our renewable fuels standard. This is one of the things I have commented in the past, I love this committee, because we have talked about ethanol and biodiesel and renewable diesel all the time. Chairman Capito will get tired of me doing that.

But when we see the past under the Biden Administration is that RVOs are set below production levels, and they are chronically late. For example, the RVOs for 2026 are required by law to be published on November 21st, 2024. That did not happen, and it is not likely to happen until probably December 2025.

The 2023 and 2024 RVOs will lag behind industry production by three to four billion gallons. That is the actual capacity of the industry today.

Congressman Zeldin, do you commit to give producers and the industry certainty the marketplace deserves? This is what businesses want, they want certainty, they want to know what the rules are so they can plan for it. Will you give them the certainty by following the law as it relates to the timely and appropriate RVO rulemakings?

Mr. Zeldin. Yes, Senator.

Senator Ricketts. Great. Thank you very much.

Another pressing biofuel issue for Nebraskans is year-round E15. I want to thank Senator Fisher and your former colleague, Congressman Smith, for their leadership on the issue. I am happy to lend my enthusiastic support to this cause. This resolution is over a decade in the making and we were very, very close in the last Congress to actually getting E-15 year-round, and I hope we can build on that momentum here in 2025.

Congressman Zeldin, although the issue will not be solved entirely by the EPA, can we rely on you to do your part to create a market of certainty for liquid fuel stakeholders and agricultural producers by doing all you can to ensure that Americans will have access to E15 all year around?

Mr. Zeldin. Senator, while I can't pre-judge outcome of processes to follow across the board, I know how important this issue is to you and I know how important this is to President Trump. The President has expressed this time and again with

regard to you. You have heard it from Senator Ernst, I have heard it from Senator Grassley, Senator Thune, Senator Fisher and others, Senator Hawley. So I understand how much of a priority this is for you.

As far as establishing certainty, hopefully this is something that Congress is able to resolve. To the extent that you are relying on the EPA to establish that certainty, I look forward to being able to do my part. I want to continue to work with you to achieve the outcomes that we have discussed.

Senator Ricketts. Great, thanks. And one of the things that, and we will get into the second round of the questioning as well, but I think it is really, really important that we get away from what the Biden Administration was doing with regard to trying to tip the scales toward their solution. That is how I interpret the delay on renewable fuels. We all want to reduce our impact on the environment. Renewable fuels are one of the ways we can do that.

They wanted to push-- their solution was electric vehicles. And again, electric vehicles can be part of the solution on how we do that as well. But what we should be focusing on is how American innovation, and I appreciate the fact that you mentioned this in your opening, American innovation is how we solve our problems in this Country. So allow Americans to innovate, to find ways to be able to reduce

our impact on the environment.

I will give you this one example. Last year, or maybe it was two years ago, I was seeing a demonstration by a hybrid vehicle that, for a \$600 kit, had been equipped to burn 85 percent ethanol. It was getting 38 miles to the gallon, while reducing the amount of emissions that would have normally been done with a gasoline engine.

So that is the kind of innovation that can help us reduce our impact on the environment, if we are allowed as Americans to actually innovate rather than have this big top-down, government, one size fits all, like we are going to push this solution on you whether it works or not.

So I see my time is expired, but I look forward to the second round of our questions.

Senator Capito. Thank you. Senator Markey?

Senator Markey. Thank you, Madam Chair.

Congressman Zeldin, in 2016, in a Congressional debate, you said, "There are many different ways that we can be better stewards of our environment. The key is to reduce our reliance on fossil fuels, to become more environmentally friendly, and to pursue clean and green energy."

Do you still believe, Mr. Zeldin, that is our job to reduce our reliance on fossil fuels?

Mr. Zeldin. Ideally, Senator, to the extent -- first off,

I support all of the above --

Senator Markey. No, I didn't ask you that. I said, do you believe it is imperative that we, using your words, reduce our reliance on fossil fuels? Do you still believe that?

Mr. Zeldin. Considering all factors, in an idea world, we would be able to pursue always the cleanest, greenest energy sources possible.

Senator Markey. Well, I am not hearing you say that you agree with Lee Zeldin in 2016. So that means that we are in a completely different context for your nomination hearing.

Do you see the fires in L.A. right now? Did you see the storms ripple through Georgia and through North Carolina? The threat of climate change hasn't gone away since you said that in 2016. I am just worried now your change of tone is politics and not the science which you apparently did believe at that time.

Let me ask you the next question. Do you also accept that under the Supreme Court's ruling in 2007 in Massachusetts v. EPA, and in three subsequent cases, that the EPA is obligated to regulate greenhouse gases as air pollutants from motor vehicles, power plants, and other industrial sources as the Supreme Court in their decision, "may reasonably be anticipated to endanger public health or welfare"? Do you accept that as a mandate, Mr. Zeldin?

Mr. Zeldin. Authorized, yes, Senator. Authorized to,

Senator.

Senator Markey. Authorized to. You don't actually then accept the requirement that you have to deal with the endangerment that fossil fuels actually poses to L.A. or North Carolina or Florida or the Gulf Coast almost on a year basis? You don't accept that?

Mr. Zeldin. Senator, I just want to be accurate and in citing Massachusetts v. EPA, the decision does not require the EPA, it authorizes the EPA.

Senator Markey. You are obligated. You are obligated to regulate if you find there is an endangerment. You are obligated. It is an obligation.

Mr. Zeldin. But it doesn't say that you are obligated to, and that is it. There are steps that the EPA would have to take in order for an obligation to be created.

I am just going off the actual text.

Senator Markey. Right, well, again, we are in danger in L.A. Do you think the people in North Carolina and the Gulf Coast were in danger?

Mr. Zeldin. Are they in danger? Absolutely. For people who are having their homes burned down.

Senator Markey. Then you have an obligation to deal with that, to do something. Do you see your job at the EPA as doing something about it? We are watching firefighters run toward the

flames and the EPA is responsible to keep the fiery embers of climate change under control, power plants, cars, industry. Are you going to fight those dangers, Mr. Zeldin? Are you going, as you said in 2016, are you going to fan the flames of destruction by the demand of the fossil fuel industry which you now refuse to actually hold responsible for the rapidly warming Country that we are living in?

Mr. Zeldin. Senator, there are a few things there. First off, as far as the Supreme Court case goes, it is not a, it was not a decision of the Supreme Court that if there was a fire in 20156 in California, that if that fire creates a danger to people who are having their homes burned down, then that triggers the EPA to regulate carbon dioxide. There is just more to that.

Senator Markey. Yes, but it is pretty simple. It says the EPA is supposed to be the environmental watchdog and not a fossil fuel lapdog. That is what it says.

Mr. Zeldin. It doesn't actually say that, Senator.

Senator Markey. The EPA is supposed to have families be able to sleep at night knowing their air is clean and the water is safe and their future is protected. This should not leave people up at night wondering if they are going to have danger that comes into their families' existence because of polluters. That is the job.



And between 2016 and today, something has happened that you are not willing to just come right out and say that fossil fuels is the central culprit that has been ultimately created by human beings that the EPA's job has a responsibility to reduce. And you refuse to actually take that central responsibility.

Thank you, Madam Chair.

Senator Capito. Senator Boozman?

Senator Boozman. Thank you, Madam Chair. And again, congratulations to you and Senator Whitehouse. You all are going to be a great team, as usual, and a great example I think for the rest of Congress.

We appreciate your being here, appreciate your willingness to serve. We had a great meeting. And I want to compliment you on the fact that you have made yourself available. I know you have worked on that really hard.

Senator Curtis, in response to a question of his, you talked about the frustration of writing letters, and you are at a hearing and nobody has responded, and making calls, you have maybe a situation like Dan talked about, or whatever Senator on both sides of the aisle, and you just can't get through to anybody.

Can you talk about, as a former member, how important that is to you to make sure that you are going to continue to be available, answer the phone and be such that we can get the

information that we need to go forward?

Mr. Zeldin. Senator, 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. I want my team to be able to work closely with your offices. I want to know what all of your priorities are at any given time. And I want to make sure that I am accountable and transparent to this committee.

I spent eight years in the House of Representatives. I have had an opportunity to see people come before committees and they were very responsive. And I have seen the opposite. It is important --

Senator Boozman. More often than not.

Mr. Zeldin. Especially with your great Chair, and she has a great team to make sure that the EPW committee, on both sides of the aisle, with Senator Whitehouse and Senator Whitehouse's team, I want to make sure that there is a very strong relationship between this committee and the EPA.

Senator Boozman. Very good. I have the privilege of serving my colleagues as chairman of the Ag Committee, which is the direct oversight of EPA's Office of Pesticide programs. I understand you and Agriculture Secretary nominee Brooke Rollins have a good working relationship. As issues affecting agriculture arise, I have found farmers and ranchers are best

served when EPA and the Department of Agriculture are working together.

Can you tell us about how you envision EPA and USDA working together to create a predictable, science-based and efficient regulatory system to ensure the timely availability of products and tools farmers and ranchers depend on to produce the safest, most abundant and most affordable food supply in the world?

Mr. Zeldin. I agree with everything that you just said, Senator, that must be our goal, that should be the relationship between all agencies, including the interaction between the EPA and the USDA in a way that are able to go back to all of your constituents and to be able to talk about the progress that has been achieved as a result of these agencies working together.

Senator Boozman. Thank you. For the last several years, the EPA failed to collaborate with industries and States prior to rulemaking. I think that is true of whatever administration has been in power. Early in the Biden Administration, it became evident the EPA's agenda was shaped by the input from a narrow group of stakeholders.

Given that every rulemaking has a significant impact on businesses, workers, and domestic manufacturing which cannot simply be restored overnight, how will you work with industries more collectively to ensure that their concerns are addressed while maintaining a balanced approach to environmental

protection?

Mr. Zeldin. Senator, first off, it is important that the EPA is always fulfilling our obligations under the law, that we are abiding by the rule of law, that we are following our commitment to Congress to be able to follow the Administrative Procedures Act, and to ensure that all actions are durable, well into the future.

As far as engagement throughout that process, it is important to hear from people who have good, substantive, informed feedback that allows EPA to be able to do a better job, to make better decisions. And that, at times, might involve me speaking to people who I might agree with or disagree with on any given day.

But the worst thing that I could possibly do, that the EPA could do, is to turn a blind eye to great, substantive feedback that will better inform our decisions, so that we are being responsive and transparent, not just to Congress but also to the American people.

Senator Boozman. Good. Thank you, Madam Chair.

Senator Capito. Thank you. Senator Schiff?

Senator Schiff. Thank you, Madam Chair. I feel I should address the mountains versus hills controversy.

[Laughter.]

Senator Schiff. As a Senator from a State in the west, I

am inclined to agree with Senator Curtis. But as I understand where the Chair is from, and you are the Chair, I am inclined to agree with the Chair.

Senator Capito. Thank you.

Senator Schiff. So let me just say unequivocally, I have friends on both sides of this issue and I stand with my friends.

[Laughter].

Senator Schiff. Mr. Zeldin, as you are well aware, the horrific fires that have ravaged California over the last week have displaced thousands of people, resulted in a loss of more than two dozen lives. As these fires continue to destroy Californians' homes, livelihoods and so much more, it is more important than ever that California has the full support of the Federal Government to recover and respond. Fueled by severe drought conditions and strong Santa Ana winds, unimaginable events like these fires devastate communities and worsen Californians' water scarcity.

When you were a State Senator in New York, you were a member of the State Senate Bipartisan Task Force on Hurricane Sandy Recovery. You applauded a comprehensive legislative package that included tax assessment relief for properties catastrophically damaged by the storm, revisions to regulatory obstacles that slowed down the rebuilding process, and improvement and continuing expansion of State insurance laws to

help policy makers receive funds following disaster, and more.

In response to Hurricane Sandy, the EPA supported FEMA and worked closely with Federal agencies in the States of New Jersey and New York to assess damage and respond to environmental concerns. The EPA stepped in to assess the condition of drinking water and wastewater facilities, helped to get several damaged wastewater treatment plants in New Jersey up and running, evaluated conditions at hazardous waste sites, and assisted in the collection of debris and household hazardous waste.

Can you provide Californians with the assurance that you will advocate the same strong recovery and response assistance from the EPA as EPA provided to your then-constituents in Long Island after Hurricane Sandy, if confirmed?

Mr. Zeldin. Senator, first off, congratulations on your election. I look forward to working with you on this committee. We all, from the rest of the Country, have been watching what is playing out for your constituents. Many of us know people who have been impacted, and they have lost everything. It is impossible for us to put ourselves in the shoes of your constituents right now.

I, if confirmed, would want to not only know everything in my power to be able to do as EPA Administrator to assist you in fighting for your constituents who have been devastated by these

wildfires. But I would want to in fact do everything in my power to be able to assist to make sure that this recovery is as speedy as possible. I would like to come to California to speak to those on the ground, hear any concerns that we need to take back with us to Washington, and to assist both you and Senator Padilla and your House colleagues to be able to fight for these constituents who have lost everything.

Senator Schiff. Thank you, Mr. Zeldin. We will welcome you to the State and look forward to your visit.

After the Maui fires in August 2023, EPA crews removed more than 200 tons of hazardous materials from 1,400-plus properties in the fire-impacted areas. EPA also deployed water emergency team members to provide on-the-ground guidance and technical assistance for stormwater, wastewater and drinking water for the County of Maui. Do you commit also to prioritizing similar assistance for California to ensure that local water supplies are tested, treated, and restored to safe drinking water standards, just as EPA stepped in to do after the horrific Maui fires?

Mr. Zeldin. Senator, I would want to do everything in my power, if confirmed as EPA Administrator, to be able to assist with that as well.

Senator Schiff. And I assume, Mr. Zeldin, your response will not depend on whether disaster strikes a red State or a

blue State, you will equally work to speed relief to those Americans affected?

Mr. Zeldin. Yes, Senator, it does not matter what kind of a State you are from. All 50 States are going to be of the highest importance, regardless of where disaster ever strikes, anywhere in America.

Senator Schiff. Thank you. Let me touch on one other major issue that we discussed yesterday, that is the Tijuana River pollution crisis. This crisis has brought immense industrial waste and raw sewage over the border from Mexico into California, posing serious environmental and public health challenges to San Diego and Imperial County. We have had beaches shut down, we have had SEAL training facilities deeply impacted, Coast Guard and Customs and Border personnel have routinely reported suffering from infections and gastrointestinal illnesses.

Thanks to the work of Senator Padilla and Representative Scott Peters and others, we were able to secure \$250 million in disaster supplement relief in December. But EPA can play a pivotal role in this crisis as well.

I would ask you to support EPA's Border Water Infrastructure Program, but also, will you agree to review EPA's January 7th decision to deny a request to investigate the Tijuana River Valley for a potential Superfund designation? I



am not asking you to prejudge it, but will you agree to review it and consider whether a different judgment should be reached?

Mr. Zeldin. Yes, Senator.

Senator Schiff. I thank you. Thank you, Madam Chair.

Senator Capito. Thank you. Senator Lummis?

Senator Lummis. Thank you, Madam Chairman.

Congratulations to you and to our Ranking Member. I look forward to working with you both.

Mr. Zeldin, it is great to see you. Thank you for accepting this nomination and appearing before this committee. I enjoyed serving with you in the U.S. House and look forward to serving with you in your new role at EPA. I also want to extend my warmest welcome to your family.

I want to start with a very, very fundamental question and give you an example. The question is, is it your job as EPA Administrator to follow the science or follow the law? Here is the question associated with that question. Clean Power Plan 2.0 has rules associated with it that run afoul of the Supreme Court's ruling in West Virginia v. EPA. So as Administrator, will you follow the law both in statute and as interpreted by the Supreme Court?

Mr. Zeldin. Senator, on every situation, if confirmed as EPA Administrator, my first obligation will always be to follow my obligations under the law.

Senator Lummis. With regard to goals in clean air, is the goal to have clean air or is the goal to eliminate specific fuels?

Mr. Zeldin. The goal, the reason why a regulation might be in place is the end state of wanting to have the cleanest, safest, healthiest air, drinking water. That is the goal, the end state of all the conversations that we might have, any regulations that might get passed, any laws that might get passed by Congress. What brings us all together should be the ultimate goal of having clean air and clean water.

Senator Lummis. That is my goal as well, and I look forward to working with you to accomplish that goal.

I spent four days in October in Silicon Valley mostly meeting with firms that are developing artificial intelligence. If the U.S. is to be the leader in developing AI, we need abundant energy. And it has to be baseload energy. The demands of artificial intelligence for energy are going to be extraordinary.

So our goal, as you and I agree, is to provide that additional abundant energy so the United States can remain the leader in the world on the development of artificial intelligence, provide that additional energy in the cleanest way possible. In some instances, that may involve finding the absolute cleanest way to continue to use fossil fuels.

I want to point out to you, if you look at how clean natural gas is, in the United States, compared to other countries and compared to other sources of energy, you would be stunned at how clean it is. Yet sometimes this panel and others tend to lump all fossil fuels together and assume that they cannot be provided as part of the energy baseload in this Country in a clean way.

I would like to invite you to Wyoming so we can show you that there are ways that fossil fuel can be used and the carbon capture and sequestration can be used to help include all types of fuels in developing the energy this Country needs in order to be artificial intelligence leader of the world.

Now, I have another question with regard to small refineries. Thank you for indulging that editorial comment. Are you aware that there are more than 100 petitions for hardship relief that remain to be decided by EPA, some dating back more than five years, with regard to small refineries? And if confirmed, can we work together to outline an expedient timeline for reaching decisions?

Mr. Zeldin. Yes, Senator.

Senator Lummis. Thank you. I want to include a couple of other questions that I think are of significance with regard to PFAS. I am running between two hearings, so excuse me if I am being repetitive.

Do you plan to ensure that EPA's policies are effective while protecting passive receivers from lawsuits and consumers with unreasonably high utility bills? Let me explain here. The Biden Administration's plan to designate legacy PFAS as hazardous substances under CERCLA can impose liability on entities like municipal water systems that did not produce or knowingly handle these chemicals. So these entities are called passive receivers. I know that it is true at airports. They have PFAS issues as well.

So these passive receivers are now vulnerable to lawsuits that literally could bankrupt small local governments across the Nation. My concern is that, of course, we address PFAS issues, but not in a way that submits small local water systems and airports to litigation.

Mr. Zeldin. Senator, thank you for raising this issue. I have heard it from your colleagues on this committee on both sides of the aisle during my meetings. It is something that is a big issue to you and it will therefore be a big issue for me.

I also saw it in my home county of Suffolk County where we had PFAS issues. The passive receiver issue is something where, it can get passed down to the consumer where they end up paying for the cleanup costs in a way that we need to be cognizant of at the EPA.

Senator Lummis. Thank you, Mr. Zeldin. Thank you, Madam

Chairman. I am sorry I ran over.

Senator Capito. No, good. I am pleased to welcome one of our newer members, Senator Alsobrooks. I would welcome you and remind you that you have very large shoes to fill with Senator Cardin leaving from the great State of Maryland. I am sure you will be able to do that.

So welcome, and it is great to have you on the committee.

Senator Alsobrooks. Thank you so much.

First of all I would like to say thank you so much to Chairwoman Capito and Ranking Member Whitehouse, for your leadership on this committee and for holding today's hearing. I agree with you that we miss Senator Ben Cardin, but I am excited to be able to join this committee.

EPW has jurisdiction over many issues that are important to Marylanders, and I look forward to working with both of you as well as all of our colleagues on this committee to address the environmental and infrastructure challenges that we face in our States.

To Mr. Zeldin, congratulations again to you and to your family on your nomination. Thank you as well for your willingness to serve and for appearing before our committee today.

I appreciated and very much enjoyed meeting with you and having the opportunity to speak with you. So I suspect that my

questions will come as no surprise to you based on that conversation. In the interest of time, I would ask that as much as possible that you would answer yes or no to the following questions.

While in Congress, you worked to ensure that EPA's efforts to restore the Long Island Sound were successful, including advocating for Federal funding. Like Long Island Sound in New York and Connecticut, the Chesapeake Bay is an economic driver in Maryland and across the Bay watershed. The Bay is the Nation's largest estuary, and is one of the most productive fisheries in the United States.

So I ask you whether you would agree that restoring and protecting our Nation's estuaries and watersheds is a shared responsibility between the States and the Federal Government?

Mr. Zeldin. Yes, Senator.

Senator Alsobrooks. Furthermore, if confirmed, will you advocate for robust Federal funding for regional restoration efforts across the Country, including the Chesapeake Bay and for the National Estuary Program?

Mr. Zeldin. Yes, Senator. Ultimately, it will be up to Congress to decide on funding levels, and it will be my obligation to make sure that money will be spent to Congress' intent.

Senator Alsobrooks. Thank you.

Now, the EPA has said that no amount of lead in drinking water is safe. Lead in drinking water is particularly dangerous for children. The Bipartisan Infrastructure Law, which you opposed as a member of Congress, made historic down payments on lead pipe replacement to ensure that communities across America have access to safe drinking water from lead contamination.

If confirmed, will you build on the success of the Bipartisan Infrastructure Law and support additional funding for lead pipe replacement?

Mr. Zeldin. Senator, yes to the same answer as my last question. Ultimately it is going to be up to Congress to decide what the policy is, the laws, what the funding level is. My commitment and my obligation will be to make sure that that funding is spent to Congress' intent as laid out in those appropriations.

Senator Alsbrooks. But you recognize that lead in water is a problem, particularly for children?

Mr. Zeldin. Yes, Senator.

Senator Alsbrooks. And would you be able to commit to not cutting funding that would aid in replacement of these lines?

Mr. Zeldin. Senator, I, if confirmed as Administrator of the EPA, won't be cutting any funding. That is a decision as far as funding levels for Congress to set. Whatever funding level Congress decides on up is going to be the letter, is going

to be the number that I am committed to fulfill my obligation of being a good steward of the tax dollars and spend to Congress' intent.

Senator Alsobrooks. Okay. Now, the unofficial department of government efficiency led by Elon Musk has proposed laying off 75 percent of government workers. Across the Federal Government, the plan would result in more than 1.7 million civilian employees being laid off, including almost 500,000 veterans. If the Trump Administration follows through on this proposal, that would mean more than 12,000 employees at the EPA would be laid off. Many of these are hard-working, dedicated public servants who live in Maryland.

Do you support firing 75 percent of EPA employees?

Mr. Zeldin. Senator, off-hand, I am not even aware of a single person being fired during the first Trump Administration at the EPA. That might not, that is not the same for other agencies. By the way, there might have been someone, I just haven't been told about it. I want to make sure that my job as EPA Administrator is to increase productivity, is to make sure that we are efficient and accountable and transparent, and that we are to you, not just myself as administrator but our entire team, for us to be in the office, collaborative and productive.

Senator Alsobrooks. In a similar vein, I asked you about another issue, and that is moving EPA headquarters outside of



Washington, D.C. I wonder whether or not you agree with that effort, the effort of moving them out of Washington, D.C., or whether you would oppose it.

Mr. Zeldin. Senator, no one has expressed to me in any setting since I was announced as nominee or before that, of any plans with regard to moving the EPA headquarters out of D.C. I have not been involved in any conversation. I am not aware of any conversation.

Senator Alsbrooks. That is the time I have. Thank you so much.

Senator Capito. Senator Graham?

Senator Graham. Thank you. Congratulations. I think you are a really good choice.

You are a lieutenant colonel in the U.S. Army Reserves, is that correct?

Mr. Zeldin. Yes, Senator.

Senator Graham. What do you do?

Mr. Zeldin. I am currently an international law officer for a civil affairs command based in Fort Wadsworth, New York.

Senator Graham. So you are a JAG officer?

Mr. Zeldin. Yes, Senator.

Senator Graham. So if Pete Hegseth gives you a hard time, call me.

Mr. Zeldin. Yes, Senator, got it.

Senator Graham. So Senator Whitehouse and myself have been working on climate issues for a long time. I saw that you were chairman or a member of the bipartisan Climate Solutions Compass, is that correct?

Mr. Zeldin. Yes, Senator.

Senator Graham. Why did you do that?

Mr. Zeldin. I represented a district where I was hearing from constituents on both sides of the aisle of how important it is that, I was doing everything to fulfill their priorities, their policy pursuit.

Senator Graham. What mattered to your constituents, your constituents who were concerned about the environment.

Mr. Zeldin. Very much so, Senator.

Senator Graham. Well, I think they are right to be.

In terms of fires and God bless the people in California, we want to help them as much as we can, quick as we can, Helene came through South Carolina and North Carolina, very tough. Let's help people. Is it okay to try to look at lessons learned when you look at disasters, what can we do better next time?

Mr. Zeldin. We must do that, Senator.

Senator Graham. I would encourage you to not be deterred from looking at lessons learned, no matter where it happens, in any part of the Country. Let's learn from these disasters, see if we can do better next time.

So one thing that I find fascinating is, I could tell you what States grow corn, because I want to talk about ethanol. I can tell you exactly, when you had the Senator from Wyoming saying natural gas is clean, she is right. But why is she saying that? Because the truth is America has become environmentally sensitive. We want to lower emissions, but we don't want to wreck our economy. It doesn't matter what we do if other people don't play the same game.

So the good news from me to this committee is that energy-producing States, when that energy source seems to have a positive environmental impact, they are proud of it. Nuclear power, do you think nuclear power should be a part of the mix?

Mr. Zeldin. Yes, Senator.

Senator Graham. Yes, me too. I think small modular reactors need to be looked at again. We had disasters building big nuclear power plants, but they are not emitting sources of fuel like every other fuel source. They have their problems and down side, but I am glad, I think my State has the most power from the nuclear energy per capita of any State in the Nation. I am a big fan of trying to expand our nuclear power footprint, look forward to working with you.

Now, no matter what we do here, I think a lot of us feel like we have gone too far, EPA has ignored the law, they kind of have a political agenda rather than as Congressional agenda, or

they violate Supreme Court holdings, we are going to have that debate among ourselves. But one thing I think we need to look at, no matter what we do here, we all care about the environment. But when it comes to CO2 emissions, let's just use that, China and India, the Paris Accords to me were insufficient to the task. I have been working with Senator Whitehouse.

How can you get big economies like China and India to adopt better practices? Tariffs, if you are a tariff person, your ship has come in. Tariffs on everything and everybody, apparently.

But one of the things that Senator Whitehouse and I have been talking about is a carbon pollution fee, tariff, call it whatever you want, that if you are in China and you are making steel and you have the worst business practices, you are in India, you have really basically no environmental practices and all, Europe and the United States, we are trying to have responsible manufacturing and energy extraction, trying to be environmentally sensitive, realize we have to run an economy, what should we do about China and India? Do you like the idea or at least are you open minded to the idea that people who basically use unsound science, reckless environmental policy, maybe it is time for them to pay a fee?

Mr. Zeldin. Senator, and thank you for your service as well, as you remember learning about the DIME principle as an

officer in the military, we have multiple instruments of national power. So putting aside the military, we have instruments of national power, of multi-lateral, bilateral diplomacy, information operations and economic pressure. We need to be using all instruments of national power to be able to deal with adversaries abroad, across the spectrum of all the issues that face our Country.

With regard to specific policies, and you brought this up, your work with Senator Whitehouse on this issue, when we met in your office, and I know that this is important to both of you. Ultimately, this is a matter for Congress to decide in what direction Congress wants to see this Country to go as far as writing laws and --

Senator Graham. Do you agree with the concept that we need to push China and India? I mean, they have an advantage. They are not playing the same game that Europe and the United States is playing, and I think it is the game we should all be playing. Are you open minded to push them to do better?

Mr. Zeldin. Yes, Senator.

Senator Capito. All right, we will go to Senator Wicker.

Senator Wicker. Thank you very much, Mr. Zeldin. I am absolutely delighted that someone of your intellect and character is going to take over this position. I certainly support it.

There has been a lot of talk about PFAS. Let me just say, I applaud your answers. I think it is important for the public to realize that we need to do what we can to prevent exposure to PFAS. But in terms of the things we are needing for national security, such as munitions, aircraft and vehicles for the Department of Defense, we can't do without it and we are going to have to use it for a while. So that is a statement that I will not attach a question to, since it has already been discussed.

Let me talk about a couple of items of local interest. DeSoto County is a county in Mississippi that is a suburban county to Memphis, Tennessee. Some years ago, Memphis and DeSoto County went in together, got Federal funding for a wastewater disposal system. As DeSoto County has now exploded in population and is now 200,000 people, the people of the city of Memphis decided that we were taking too much capacity, and that DeSoto County should go it on its own. We went to a Federal court and perhaps a Tennessee judge saw it the way that Memphis was looking at it, anyway, ruled that DeSoto County has got to get their own wastewater system and do it in a hurry.

Happy to do this, but the Federal Government having told us that we have to do it, we are going to need some help. So I hope that you can commit to using all your authority at your disposal through subsidy, loans, and other mechanisms, to help

us fund this very expensive thing that is being required of us. I believe the EPA should engage with the regional offices to ensure that they are taking a proactive role in addressing critical needs.

So will you commit in your new role to working with us and with the City of Memphis to resolve this problem?

Mr. Zeldin. Yes, Senator.

Senator Wicker. I very much appreciate that.

Now, let's move down to Jackson, Mississippi, where we had a flood problem for some decades. A flood control measure was authorized in the WRDA Act of 1986. I don't know what you were doing in 1986, Mr. Zeldin, but it was a long time ago. This initiative has undergone several revisions and at my urging and my almost weekly and monthly exhortations, we are nearing final approval of the Pearl River Flood Control Project in Jackson, Mississippi.

The local sponsor backing the project, which is the Rankin Hinds County Pearl River Flood and Drainage Control District, has diligently addressed all the environmental concerns. I hope we get approved in this calendar year. But I don't want decisions made in some room where our guys are not there to at least put their point of view in.

So would you agree that local sponsors should be involved in discussions, scheduling in meetings and activities related to

finding solutions as we go forward in the final stages?

Mr. Zeldin. Yes, Senator, and I would like to travel to your State and meet with these individuals and these groups who you want to make sure I hear their feedback from.

Senator Wicker. Good. Well, I can assure you it is bipartisan and about as broadly based as possible.

Now, let me just mention something, and I don't know that you can make any promises to me, because this is before the Supreme Court. But I just want to say on the record, there is a Good Neighbor rule that has come out of the Biden Administration. And it has somehow concluded that my State of Mississippi, a population of under 3 million, is somehow to be penalized for downwind ozone pollution from Mississippi to Dallas-Fort Worth and Houston.

Now, those of us who have seen weather maps, we know kind of the way weather travels. It doesn't travel from east of the Mississippi back to Houston and Dallas. But somehow, they have determined that our largely rural State of Mississippi should be penalized for ozone pollution in Dallas and Houston. The Supreme Court is looking at it, I don't think you can comment on it. I hope we can rescind the rule entirely. But I just want you to be aware of how utterly absurd the Federal Government has been with regard to this Good Neighbor rule.

Mr. Zeldin. Understood, Senator.



Senator Wicker. Thank you very much, and thank you, Madam Chair.

Senator Capito. Certainly. Senator Padilla?

Senator Padilla. Thank you, Madam Chair. I want to first of all congratulate you on the nomination, congratulate your family who is here to support you and acknowledge what I understand was a very positive exchange you had with my colleague from California, Senator Schiff, in regard to the current wildfires and EPA's role, partnership, response, and our ongoing need to maintain that. So I too look forward to welcoming you to visited the impacted areas.

That allows me to actually raise some other issues of priority and concern for California. I appreciate your comments when we had a chance to meet in my office about your respect for the rule of law. It should be important for all of us, right? And the directives that you respect that Congress has given to the EPA is in that category. In the Clean Air Act, Congress has specifically exempted California from Federal preemption of air emissions standards. The law is quite clear that EPA must grant waivers of Federal preemption absent certain disqualifying conditions. It very clearly does not provide any authority to revoke any waivers that have already been granted. That is current law.

You stated you follow the law, the laws that Congress has

enacted, so therefore commit to following the law when it comes to California's Clean Air Act waivers that have been granted.

Mr. Zeldin. Senator, I can commit to every member of this dais on any question and every issues that gets brought forward that I will always follow my obligations under the law. While there are processes in the future on different topics where I will, I can commit to following the Administrative Procedures Act, I will tell you that I will not prejudge any outcomes of any future processes, again, on any issue that any member can bring up here.

But Senator, I would reiterate to you today that it is my obligation as EPA Administrator, if confirmed, to follow the law.

Senator Padilla. Thank you. Another topic we covered in our meeting is one of clean air attainment and the challenges, the Federal role and responsibility, State, local role. Half the people in America who live in a non-attainment area live in California, particularly in the Central Valley and the South Coast Air Quality Management District footprint. We have to work together to reduce the sources of toxic emissions. Based on these jurisdictions, the challenged California State and local officials have done pretty much everything they can to tackle this. Yet we still have challenges when it comes to ensuring that every Californian, every American living in

California can breathe clean air.

So I want to be clear, we want the Federal Government to do its part by working more aggressively, assertively, smartly and strategically to help reduce these emissions, help us reach attainment, not by lowering the bar, but by doing the work in areas that the locals have not been granted jurisdiction to do so.

So can I count on your commitment to use regulatory authority to do just that?

Mr. Zeldin. Yes, sir.

Senator Padilla. Okay. Wonderful. And just as a side note, we will continue to work together in assuring that jurisdictions like Southern California are not punished for non-attainment if it is resulting from the recent wildfires and the smoke and other emissions that have resulted from this disaster or disasters like it.

Mr. Zeldin. Yes, Senator, I have heard this concern from other colleagues of yours as well. We were just talking to Senator Kelly about it, he cited the Yuma example. He was asking about Maricopa County. It is important that we have common sense, pragmatic policies that are being pursued to address issues just like your concern.

Senator Padilla. To your point, and I know Senator Kelly brought it up, these concerns about fires and their impact, not

just the short-term devastation but the longer-term when it comes to public health, when it comes to air quality, is not unique to California, California is in the news right now, but throughout the west, and beyond because of our changing climate and weather patterns.

Another important topic that we discussed in my office is not just water, water supply, water quality, but water affordability. Millions of Americans are struggling to keep up with their growing water bills, which have increased nearly three times the rate of inflation. According to the EPA, water utilities, the costs of water will grow to more than \$1.2 trillion over the next 20 years to modernize our drinking water and wastewater infrastructure, and maintain it. Water utilities, unique to other utilities, rely heavily on ratepayers to cover their costs. The Federal Government's share of maintaining its infrastructure has come down significantly over the years. So ratepayers are acutely feeling this pressure.

As a result, one in five households have outstanding and growing water debt. The national water affordability crisis affects both urban and rural communities. So it is not just rural, urban, blue State or red State, it is across the board.

I shared with you the idea of replicating the LIHEAP program. We have a Low Income Home Energy Assistance Program, because you shouldn't have to freeze in the winter just because

you may be low income. The same applies to having water; we know how fundamental water is for life and the economy. We have had a temporary water assistance program for low income customers. Would you agree to work together to make that permanent to tackle some of these challenges including some of the PFAS concerns that you are very familiar with?

Mr. Zeldin. Senator, having access to clean drinking water is something that I want to, if confirmed, be able to do my part and working with you and your colleagues across the entire Country to deliver. Every American, in my opinion, and it is just my opinion, should be able to access clean drinking water. I will follow all my obligations under the law, and to the fullest extent of the law, I would like to assist in those efforts for you to fight for your constituents and every Senator here to fight for their constituents in this respect.

Senator Padilla. So with a temporary program that is hugely successful helping families in, again, red State and blue States alike, I look forward to working with you to make that program permanent.

Senator Capito. Thank you. Senator Moran?

Senator Moran. Chairwoman, thank you, and thank you, Ranking Member, Mr. Vice Chairman. I am pleased to be back and sitting here at the dais of the EPW committee.

Thank you very much for your testimony. Thank you for the

conversation we have had in my office. Thank you for your willingness to serve.

Let me highlight a couple of things that we may not have talked about when we did visit. I want to describe the Kansas oil and gas industry to you. We are an oil and gas producing State, but our production is done by really small, independent companies that produce from what we call stripper wells, which means they produce less than 15 barrels of oil a day. It is a significant component of the Kansas economy and significantly important. In my view, this small sized, small business man and woman who operate oil and gas leases and explore for additional production of oil and gas, the EPA has written one size fits all solutions. We are not the majors. And we are stripper oil producers. I just want your commitment to work with the industry, these small producers, to find right sized regulations for the circumstances that they are in.

Mr. Zeldin. Senator, I would welcome an opportunity to travel to your State to meet with them, whether it is at your office or elsewhere. I want to know about all your priorities, including this one, but also to make sure that anyone who can provide any type of insight that can make me better informed to make better decisions, that I welcome any of those opportunities for conversations and collaboration.

Senator Moran. I think that is a wonderful offer on your

part, and I am very grateful for it. I sometimes am reluctant to ask every nominee that comes before me, would you please come visit Kansas, and you volunteered. So I am appreciative of that. I would tell you, I can't imagine the excitement, the opportunity that people in that industry would seem to have the capability of talking to somebody like you directly in a State like Kansas. So thank you and we will get on your schedule, although you have to say once confirmed. So I look forward to that.

In a different vein of energy production, I created with my colleague Senator Boozman and others a sustainable aviation fuel caucus. Kansas and Wichita in particular is the air capital of the world. We produce many more generation aviation aircraft than anybody. We manufacture with thousands of employees working in aviation and aerospace. I want to bring together the opportunity to bring the agricultural aspects of Kansas together with the aviation aspects and pursue the development of SAF, Sustainable Aviation Fuel.

I wanted to know, I guess the question would be, we need your help in pursuing opportunities to develop the technology and any regulations that would follow that. I suppose if you are coming to Kansas, we ought to introduce you to the people who are in the process of developing a new industry, as the airline industry shifts itself from fossil fuels -- let me say

that differently --from the fuels it uses today to sustainable aviation fuel produced by agricultural byproducts.

Mr. Zeldin. Senator, I look forward to that conversation as well.

Senator Moran. State Revolving Funds, I don't know whether anybody has asked this question before, but it would be a mistake for me. Clean Water and Drinking Water State Revolving Funds are hugely important. I represent a lot of communities in which they are placed under significant requirements by the Federal Government, but they don't have the ratepayers. They don't have the number of users of water.

It stands out to me, there is a small town in my home county, a town of about 80 people, have a regulation that they couldn't raise the rates on their water users sufficiently enough to pay for the regulations. So the Clean Water and Drinking Water State Revolving Fund is hugely important to help small communities meet the needs. Many, if not all, want to meet those standards, want their consumer, their water purchaser, to have the cleanest, safest drinking water possible. Yet the rules are so unaffordable that you don't know where to turn.

I will work with you, and I just want to make sure that you would commit to continuing to support a robust funding.

Mr. Zeldin. Yes, Senator, ultimately the funding level



will be set by Congress. It will be my responsibility to ensure that I do my part to fulfill Congressional intent and be a good steward of tax dollars, so that I can report back to you on all sources of funding coming through the EPA. This specifically I have heard from other colleagues of yours on this day, so it is a top priority of theirs. Therefore, it will be a top priority of mine, too.

Senator Moran. Thank you for that. I would also add that you should need to be a voice within the Administration as the budget is prepared and OMB makes decisions in support for the fund as well. It is certainly true that Congress -- presidential budgets are not irrelevant. It is useful if we start with a robust number that is beneficial to the Country.

Last question I will ask is, I am interested in what our Country is doing, I am involved in the national security aspects, my time in the Senate involves those things. Is there any role for EPA to play in the critical minerals world?

Mr. Zeldin. Yes, Senator. President Trump has expressed a desire of having an energy council. He wants there to be collaboration between different agencies of different levels of jurisdiction. That involves everything from permitting reform, which is one topic actually that I heard Senator Whitehouse reference earlier in his opening remarks. I believe that it is important for agencies to be working together, regardless of

whether we are the lead agency or we have a different role to play of following another agency.

I look forward to any collaboration working with other agencies to do EPA's part.

Senator Moran. Congressman Zeldin, thank you for taking my questions and responding.

Mr. Zeldin. Thank you, Senator.

Senator Capito. Thank you.

Last but not least is someone who also has some big shoes to fill as the former Chairman of this committee was from the great State of Delaware. I know that Senator Blunt Rochester is well up the task, and we welcome her to the committee and welcome you to the questioning. Thank you.

Senator Blunt Rochester. Thank you, Madam Chairwoman, and thank you so much to you and the Ranking Member for the warm welcome. I am excited to be on this committee. Senator Carper and I wear different types of shoes; I wear pumps.

[Laughter.]

Senator Blunt Rochester. Let me begin by expressing my gratitude, though, to the former Chairman of this committee, my friend and mentor, Senator Tom Carper, for his years of faithful service, not only to this committee but also to our Nation and to saving our planet. I am proud to be able to be a member of this committee.

Mr. Zeldin, I appreciated your visit last week. You clearly stated in your testimony that we must ensure that we protect our environment. In our conversation, I shared with you the rich diversity of my State, from our farmers to city dwellers, to our coastal communities, and our environmental justice communities, and why the EPA is such an important and great partner to our State.

I have, in my time in the House, prioritized clean air, clean drinking water, affordability of those things as well. For us, it is critical that we have the best candidate for EPA Administrator.

In our conversation, I was really pleased also that you earnestly acknowledged that climate change is real, and that you were committed, you actually affirmatively, before I even got the question out, said you have committed to following the science and letting that dictate the policies of the EPA. As I said in my home State, we feel the impact of climate every single day. As a former member of the House, I know we talked about the similarities in our district, low-lying, vulnerable to sea level rise, and it is critical to our coastal communities.

How will you direct the EPA to help these communities like ours survive the rising sea levels and extreme weather brought on by the climate crisis?

Mr. Zeldin. Senator, this is a topic that involves

multiple agencies working together. So EPA being able to do its part is incredibly important. EPA might not have the funding that the Army Corps of Engineers is bringing to a particular project as may be authorized by Congress. The Department of Interior might be working on a particular aspect of this under its jurisdiction. The collaboration between agencies is critical. The collaboration between agencies and Congress is going to be important as well.

I think it also helps for I, if confirmed as EPA Administrator, to be traveling to a State like yours to see issues first-hand on the ground, especially when they emerge at times little noticed, sometimes with far more notice, to be able to hear from people who have been working on these issues a long time, to be able to hear that feedback, to allow that feedback to inform my decision making and to bring that feedback with me to Washington, D.C. when I return from those trips, which I look forward to, if invited, coming to visit your State with you.

Senator Blunt Rochester. Thank you so much. I have a couple yes or no questions, because I know time is limited. You stated that EPA's mission is to protect the health of the public and the environment. Is it still your position, yes or no?

Mr. Zeldin. Yes.

Senator Blunt Rochester. Will you ensure EPA prioritizes policies that promote access to clean water? Yes or no?

Mr. Zeldin. Clean what, Senator?

Senator Blunt Rochester. Clean water.

Mr. Zeldin. Yes, Senator.

Senator Blunt Rochester. As you know, many rural communities have old water infrastructure, rely on well water, particularly in Delaware, which creates significant water quality issues. How will your EPA help these communities access effective solutions, such as upgrades to stormwater infrastructure, watershed restoration, or water infiltration?

Mr. Zeldin. Senator, Congress has approached these issues in the past in certain creative ways. In some respects, it could be an aspect of Congressionally directed spending I have seen go to a particular community where they are able to mitigate an issue of water contamination as we experienced in Suffolk County where my Congressional district was located and where we had multiple aspects of PFAS contamination.

The first step is to be able to get access to drinking water. And even if that is providing bottled water, that is a partnership that starts with local leadership where a State and Federal government is asking, what can we do to assist. What is important is long-term mitigation. And what is so frustrating to the American public is when they see these issues lasting for 10, 20, 30 years and the ball is never moving in the right direction.

I look forward to doing my part to work with your local communities to get these issues mitigated to whatever extent I can help.

Senator Blunt Rochester. You actually brought up for me something that was personal. We had communities that did not have access to clean drinking water in our State. So it was important for us to work under the Revolving State Water Fund, getting that water to those communities, but also the water affordability. Senator Padilla mentioned the work on the LIHEAP, low income for water programs. I led that charge in the House side, and would love to continue working again to make this a permanent program for those families.

I will yield back and hopefully we will have a second round of questions, so then I can ask about soot particulate matter. Thank you.

Senator Capito. Thank you. And this does end the first round. I would say we had full participation on the committee, which we are going to expect at every meeting, right? I am very pleased with that.

I also, in the interest of not wanting to hurt a new member of my committee, neglected to welcome Senator Moran as a new member of this committee. So welcome.

Senator Moran. A returning member.

Senator Capito. A returning, well, that is why I didn't

say anything, because you are returning.

[Laughter.]

Senator Capito. In any event, I didn't want to chance those hurt feelings, since mine have been hurt all day by denigrating my mountains, but we won't get into that any longer.

So we are going to go to second round, and we will do it in the same order as the folks that were here. Before I begin my round, I would like to put into the record a January 3rd support letter from the former Chairman of the Suffolk County Water Authority, which states, "The EPA requires strong leadership that balances the complexities of environmental protection with the practical needs of communities across the Country. Mr. Zeldin's track record on Long Island exemplifies his ability to lead with compassion, decisiveness and a clear focus on results. He has already shown his dedication to the values that the EPA upholds and I am confident he will continue to champion these priorities on a national scale."

I ask unanimous consent, which I will grant myself, to enter this into the record.

[The referenced information follows:]

Senator Capito. I would say there are always no better advocates than our local advocates who actually work with us all the time. Obviously, you have a very strong constituency there.

I am going to ask quickly just a couple of questions. Class Six wells, which are used to inject carbon dioxide into deep rock formations, advancing carbon capture and storage technologies, obviously very important to my State. We provided EPA funding to the IIJA to have the EPA grant State primacy for Class Six wells, since they constitute a different aspect of permitting.

To date, only three of these States have been granted Class Six primacy. The EPA has 150 permit applications pending for approval. We have three Class Six well projects under review, and the proposed final action granting West Virginia our State primacy was published in the Federal Register on November the 25th. This is going to be very important to us. We had testimony last year that North Dakota, who has primacy, was able to permit, I think, seven wells in a short period of time, whereas the EPA, when they were trying to permit under their Federal authority, it took them over many more years, the time to permit just three. So you can see how those who, again, who are closest to the situation have the ability to make good decisions.

So will you prioritize the timely completion of West



Virginia's Class Six permitting process, and work with me to ensure that the EPA is a resource rather than a barrier in this transition?

Mr. Zeldin. Yes, Senator.

Senator Capito. Thank you.

You mentioned permitting, and I was very pleased to hear Senator Whitehouse mention permitting reform. We have had lots of stops and starts over the last probably two to three years on this very issue. It is holding up construction of critical energy, manufacturing, infrastructure, transportation, doesn't matter what kind of energy, renewable energy, pipelines, whatever. So we need to make it easier to build an America, I believe that is President Trump's vision as well, by modernizing and streamlining our environmental review and permitting processes.

Congressman Zeldin, what opportunities do you see for EPA to be able to establish more efficient and predictable permitting processes in addition to working with all the other agencies that play a part on this vital decisions?

Mr. Zeldin. Chairman Capito, that last part of your question is key for different agencies to be able to work with each other, collaborating with each other and also for agencies to be able to collaborate with Congress on any opportunities that Congress sees to pursue permitting reform as well.

As far as EPA jurisdiction goes, we see a role of the EPA, for example, as it relates to environmental impact, impact statements. There are different issues where there will be opportunities for the EPA to follow its obligations under the law. There is a possibility that Congress might choose to make changes to the law on items that are under EPA jurisdiction. I would look forward to doing my part to make sure the EPA is not holding up any opportunities to be able to pursue sound applications that otherwise would be and should be approved.

Senator Capito. And I think a lot of times, in the public domain, permitting reform means to certain people skirting the rules or breezing through environmental reviews without really taking them seriously or actually having them science-based, as we have talked a lot about today. That is not what permitting reform means. Permitting reform means make these environmental, clean air, clean water rules and others in other agencies work together and work so that we are getting the right result of clean air, clean water, but we are able to move forward. So I look forward to that.

Here is another West Virginia issue, very quickly. It is the Muddy Creek Restoration Project. It is 19 miles of waterways that has acid mine drainage. And West Virginia went about coordination with the past Trump Administration and it was initially championed by the Administration to deliver real

results in cleaning up this area of our State. It was a true win-win.

The Biden Administration, for some reason which we can't figure out, flip-flopped on this. And they started putting more burdensome, costly, and much, much slower cleanup process. So you are still having your acid mine drainage while we are getting hung up here. It threatens projects like Muddy Creek and discourages other communities from pursuing similar efforts to achieve real environmental remediation and benefits.

Will you commit to me, working with me and the State, to try to reverse these counterproductive changes and cut the red tape and restore this for more cost effective but also better environmental results?

Mr. Zeldin. Yes, Chairman Capito, I know how much of a priority this is. You have been outspoken on this issue. It is my commitment to work with you as soon as, if confirmed, as soon as I am in that position, I would welcome that opportunity.

Senator Capito. Thank you. Senator Whitehouse?

Senator Whitehouse. Thank you again, Chairman.

Mr. Zeldin, I have something of a life experience Ph.D. in fossil fuel pressure politics. They will be coming after you hard. And they will be feeling very entitled based on their political spending toward a Trump victory.

I have two questions, when you are faced with that. The

first is the prominent voices in Trump world have been saying that it is important to traumatize EPA's workforce, to drive them out. They have been saying that it is important to cut EPA's workforce by two-thirds or more, not just Washington, but the field, the entire organization. And they have been saying that it is important to destroy the professional civil service protections of EPA's workforce.

How do you respond to those three threats?

Mr. Zeldin. Senator Whitehouse, as I have stated earlier, my desire if confirmed as EPA Administrator is to increase productivity of the EPA. I want to be able to help lead this agency in a way that all of you on both sides of the aisle can be proud of, for us to be accountable and transparent. I want maximum collaboration, not just with Congress, but internally within the EPA. I have been hugely impressed with the level of talent stepping up to serve at EPA. And that is the pressure that I am feeling at this moment, is to bring out the best of EPA to make sure that we are fulfilling our mission of protecting public health and the environment.

Senator Whitehouse. You will not support executing on those three threats?

Mr. Zeldin. My commitment to you is exactly as I stated, Senator Whitehouse. And I am not coming into this position with any threat. My position as I sit here is a promise is an

obligation, it is a commitment to do my part, to do the best job possible in leading the EPA to fulfill its mission in a way that follows its obligation under the law and is one that this committee can be proud of.

Senator Whitehouse. The second question that I have is, while you have made a lot of good and sound statements here today, it is one thing to say things in this environment and it is another thing to stand by those guns when the pressure comes at you. If you look at your past, if you look at your influence and advocacy work with American First Policy Institute and America First Works, the big donors have been pharma, the massive corporate lobby, Goldman Sachs, a Morgan Stanley fund, and a billionaire fracking CEO.

We don't know who the rest of the donors are, because AFPI keeps much of their donor list secret. But we do know of those.

Your fellow board members at America First Works include the billionaire CEO fracker, the former CEO of the Texas Public Policy Foundation, which I view as a very significant player in the fossil fuel-funded climate denial armada, the successor to that Texas Public Policy Foundation CEO, and a third individual called the Chief of Intelligence and Research at that same, in my view, climate denial front group.

In your political work, you have taken nearly \$300,000 from the oil and gas industry, back to 2007. You have had large

campaign support from Koch, Incorporated, which gave a total of about \$60,000 when you count up all the contributions between PACs and campaign funds. David Koch himself maxed out to you. And Koch PAC gave \$20,000 to your Lee PAC.

In the wake of being so surrounded with so much corporate and fossil fuel influence, I want to give you two opportunities. One is to answer to me now how is it that you will be able to separate yourself from the influence of these people and these interests when they come demanding things that they think they have earned politically. And I will also turn that into a QFR so that you can, with a little bit more basis for reflection, make a more complete answer.

So with that, over to you for your response, sir.

Mr. Zeldin. Senator, I don't need any extra time for reflection on that one. There is no person who has ever provided any level of support to me or anyone else who has any special influence with me. When I was in the Army I wore around my dog tags the seven Army values. The acronym is LEADERSHIP: loyalty, duty, respect, selfless service, honor, integrity and personal courage. It is important for me to have always been able to approach this position with a clear conscience, to make decisions that I can live with for my entire life. There is no dollar large or small that can influence the decisions that I make, who has access to me, and how I am ruling in my

obligations under the law.

Senator, I am happy to enthusiastically answer that question on any day on the spot. And I would never need any extra amount of time for reflection.

Senator Whitehouse. Good luck standing up to these guys, because they are going to come at you.

Senator Capito. Thank you.

I understand that a five-minute break would be in our best interests. Would you like to do that now, or do you want to keep going?

Mr. Zeldin. I will take five. Thank you, Senator.

Senator Capito. We will come back in five minutes.

[Recess.]

Senator Capito. It was 12:37, it is now 12:42. So we are good.

Next, we have Senator Sullivan.

Senator Sullivan. Thank you, Madam Chair.

Congressman Zeldin, you are doing a great job. And your opening statement was really good, I really appreciated it.

Look, there has been a lot of railing against the hydrocarbon industry. I think the facts are the hydrocarbon industry has lifted more people out of poverty, continues to do so, than any other major industry in the world is doing that. But there also has been a major contributor who never gets

talked about with regard to our leadership on global emissions. Leadership. So that, Mr. Zeldin, take a look at that chart. That has been fact-checked to death because the far left hates it.

But this is what Senator Ricketts was talking about earlier, about American innovation. This is what Senator Graham was talking about earlier. There are some people who are working hard on reducing emissions, countries. And there are countries that aren't. Senator Graham mentioned China and India. He is exactly right.

You never heard this from John Kerry, but the leader in the world in the last 20 years on reducing global emissions was the United States of America. The bad guys, in terms of emission increases, look at China. Through the roof. This is a fact.

Now, I have asked some of the Biden Administration EPA officials, why do you think this happened? Why do you think we are the leader? It would be great if you said it, because we are. And they would always come back and say, let's see, EPA regs. Wrong answer.

The reason this happened is because of the revolution in the production of natural gas, where we have switched to natural gas as a more cleaner burning source of energy. And when we export natural gas around the world, Mr. Zeldin, what do you think that does to global emissions?



Mr. Zeldin. Brings it down, Senator.

Senator Sullivan. It does. And these are facts.

So my colleagues, I wish my good friend Senator Whitehouse was here, because you know, they don't like this chart, because it goes against their narrative. And the narrative that is the facts is that when you have all the above energy, including a big mix of natural gas, you reduce global emissions.

So can you commit to Senator Ricketts' point to work with us and private industry on innovation that can help power America, power our allies, produce American energy and at the same time lower emissions.

Mr. Zeldin. Yes, Senator absolutely. American innovation has been critical and it will be critical going into the future. That is something that President Trump has often spoke of. And I believe it is one of the reasons why we saw so much support for him in last November's election.

Senator Sullivan. In Alaska we work on, and I talked to President Trump about it just recently, we have a very large scale LNG project that would increase, would reduce our trade deficient by billions by exporting clean burning Alaska natural gas to our Asian allies, get clean burning Alaska gas to Americans and would produce thousands of American jobs. Can I get your commitment to help us work on that large scale LNG project, which will help continue these global emissions

reductions?

Mr. Zeldin. Senator, I would welcome the opportunity, if confirmed, to be able to work with you on this and other issues.

Senator Sullivan. Great. I have another map I want to show you. Real quick, you and I have talked about this issue of leaded aviation fuel. This is a huge issue to my constituents, what we call avgas. We got an extension for Alaska in the FAA given our pilot safety issues, our aviation safety issues. There was this Congressman, I forget his name, from New Jersey, he tried to limit this. In my view, he should be more focused on cleaning up New Jersey than worrying about aviation safety in Alaska.

Can I get your commitment to work with me on this avgas issue, as we discussed in my office?

Mr. Zeldin. Senator, as I gave you my commitment then; I will reiterate it here today for all your constituents to hear. We had a very long, substantive conversation on a lot of topics that you are fighting for for Alaska, and I welcome the opportunity to be able to work with you on all of that.

Senator Sullivan. Great, thank you.

Let me give you one final map and one final question. It is a little complicated. This is the American Medical Association study on life expectancy changes in America. This is from 1980 to 2014. Purple and dark blue, that is where life

expectancy changes happened the most, up to 13 years.

Unfortunately, you see yellow, red certain places, there was a life expectancy decrease. That is mostly the opioid epidemic.

My State led this. It led it because Alaska Natives, which is where most of these communities are, about 20 percent of my population, started at a real low level. Real low. Lowest life expectancy. Then what happened, on the North Slope, what happened out in the Aleutian Island chain, what happened in the Northwest Arctic Borough, resource development happened. Oil and gas happened. Opened up fisheries happened. Resource development happened, and people's lives increased on average by up to 13 years.

So here is my quick issue. This is a matter of life and death in my State. And the indigenous people in particular who I care deeply about have benefitted tremendously from resource development.

President Biden comes in with his Secretary of Interior. She doesn't listen to Native people. They issued 68 executive orders to shut down resource development in my State, which is going to hurt people, hurt their life expectancy. So when we talk about all this stuff, about oh, we are against resource development, oil and gas, for my State, for my constituents, this is a matter of life and death. And it has brought gymnasiums and health clinics and water and sewer.

So can I get your commitment to work with me on these issues, on resource development, that benefit the Native people tremendously in my State? The Biden Administration is talking about, oh, environmental justice, this is environmental injustice, when they shut down Alaska Native communities' opportunity to develop their resources. And their focus on minority communities, I think that is great but they have had a big asterisk during four years of Biden and Secretary Haaland, not for Alaska Natives. It is an outrage.

This helps my communities, and can I get your commitment to work with the Alaska Native communities, indigenous communities in my State on this issue, on the other issue we talked about, contaminated lands? Water and sewer, we have communities that don't have clean water and flush toilets. I really want your help on this. We didn't get the help from the Biden Administration. They talked a big game, communities of color. They didn't care about the Alaska Native communities. And I need your help on this.

Mr. Zeldin. Understood, Senator. You have my commitment to work with you on this.

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

Senator Capito. Thank you.

Senator Kelly?

Senator Kelly. Thank you, Madam Chair.

Mr. Zeldin, I want to discuss another issue with you that has affected the western United States significantly, especially Arizona on the Navajo Nation, and that is the issue of abandoned uranium mines, about 500 of them. The Nation has been working to clean up these mines for decades now, but the bureaucratic process of the Superfund law has meant that very little progress has been made on this, and it contaminates water and just the radiation itself causes cancer.

One step which was taken during the last Trump Administration was to establish a regional office called the Office of Mountains, Deserts and Plains which would focus on cutting through the bureaucracy and accelerating the cleanup of mines in the west. Senator Lummis and I introduced legislation last Congress which passed this committee unanimously called the Legacy Mine Cleanup Act, which would authorize the creation of the office and accelerate mine cleanup across the western United States.

Will you commit to having your team review the legislation quickly, so we can then incorporate EPA's feedback before we introduce the bill this year?

Mr. Zeldin. Yes, Senator.

Senator Kelly. Will you commit to ensuring the issue of abandoned uranium mines remains a priority for the EPA?

Mr. Zeldin. Yes, Senator.

Senator Kelly. Thank you for that. And then one final thing I want to discuss with you is, and I know you have spoken about this during the hearing already today. I was not in the room, but my understanding is you talked about PFAS. As we discussed in my office last week, groundwater is the backup source of drinking water for both Phoenix and Tucson, and it is in an aquifer mostly under the city of Tucson where Gabby and I live.

This has become more critical, this backup water supply, as the drought conditions in the west have worsened. But especially the groundwater under Tucson and those aquifers have been contaminated with growing PFAS plumes. The city had to shut down nearly 30 groundwater wells because the water exceeded EPA's drinking water limits. To date, the city has spent more than \$71 million on remediation costs, and are in negotiations with EPA Region 9, with the Air Force, with the State, Tucson Airport, and other private parties, to resolve this. Throughout this process, and spanning across presidential administrations, EPA Region 9 has been a consistent partner in addressing these challenging issues.

Mr. Zeldin, if confirmed, will you commit to working with my team in the city of Tucson to address the Tucson PFAS contamination?

Mr. Zeldin. Yes, Senator.

Senator Kelly. Thank you, Mr. Zeldin. Thank you for spending the time. I know this has been a long process and a long hearing. It is great seeing your family here. I look forward to having the opportunity in the committee and eventually on the Floor for the vote. Thank you.

Mr. Zeldin. Thank you, Senator.

Senator Capito. Thank you. Senator Ricketts?

Senator Ricketts. Thank you, Senator Capito, for having this second round of questions. I appreciate it.

Congressman Zeldin, presuming that you get confirmed to be the EPA Administrator, you are going to have to work to reestablish their credibility, reestablish the trust for the EPA. That is going to involve a process of transparency and good faith action on the EPA's part.

Part of what I expect you to bring back is accountability. President Biden's EPA had a \$41.5 billion program to carry out EV mandates and environmental justice. How many additional dollars went to the Inspector General's office to conduct oversight over those IRA funds that went out?

Mr. Zeldin. Zero, none.

Senator Ricketts. That is a problem when you are spending that kind of dollars. Can we have your commitment that you will look into this to make sure those dollars were spent appropriately, that the process was followed properly for all

those dollars, to make sure that any dollars that were not spent appropriately. In fact, Senator Capito and I actually did a press conference on how some of these dollars were being distributed. But if they weren't being distributed you will work to claw back those taxpayer dollars?

Mr. Zeldin. Yes, Senator.

Senator Ricketts. Great, thank you.

We talked a little bit earlier also about the EV mandate, part of what these IRA dollars were supposed to be pushing is this EV mandate. Of the 147 communities in my State that are classified as cities, 99 of them don't have a single EV charger. If you are living in communities like Bloomfield, Alliance, Valentine, you are 45 minutes from the nearest charging station. And in my State, EV adoption is like 2 percent when nationally it is about 7 percent.

And of course the current mandate that EPA is pursuing with their emission standards was to have two-thirds of all new vehicles being sold as EVs in the year 2032. That is just clearly not realistic, and again, as we discussed, we should allow American innovation to be able to help us reduce the impact on the environment, not have an administration pick one solution that they want to push.

Do you commit to rolling back these out of touch mandates that are costly to Americans and dangerous to our energy grid,



increase our reliance on our adversaries like the Peoples Republic of China?

Mr. Zeldin. Senator, it is my obligation if confirmed to be following my obligations under the law. With regard to the Administrative Procedures Act, rules, laws, as set out, they guide the way I answer that question. I am not allowed to prejudge outcomes going into rulemaking to ensure that there is durability of any decision to be made at the end of the process, where my answer to that question could potentially be used against any type of a rule or regulation that is made.

I will tell you that I have heard concerns from you and many others in this chamber on how important it is to look at rules that are currently on the books. I don't want to sit before you with any type of announcement that I am able to make of any rules that are going to change upon confirmation. I will tell you that I will not prejudge outcomes.

However, it is my commitment to follow my obligations under the law as set by Congress to look at laws, decisions that have been made by the United States Supreme Court and to make sure that we are pursuing common sense, pragmatic solutions that make sense to you, that you can defend when going back to the constituents that you fight so hard for from your home State. So I look forward to the opportunity of being able to make you proud and being able to make this entire committee, the

Chairman, proud and hitting the ground running to do my part so that the EPA is being accountable to you as a Senator and accountable to your constituents as taxpayers and as Americans.

Senator Ricketts. Great, well, thank you, Congressman Zeldin.

One of the things we also talked about was certainty. We talked about it in the context of the RVOs. But there is another area of certainty that we have talked about and we need to continue to talk about. The Supreme Court's Sackett v. EPA decision was a clear directive to narrow the scope of the Federal jurisdiction of the Clean Waters Act.

Here is just one of the things that just drives me nuts, because this has not just been a Biden Administration, it has happened in the Obama Administration. The Clean Water Act, over 50 times, says navigable waters. Navigable waters means you can put a boat on it and go someplace. That is the Merriam Webster definition in really broad terms. Clearly out of scope of what the Congress' intent was.

And the decision in Sackett was intended to provide clarity to producers. President Biden's WOTUS revisions have only confused it by talking about things like relatively permanent waters or unclear determinations on which waters are actually jurisdictional under law. Farmers and ranchers in Nebraska deserve better than an EPA taking years to decide the best way

to regulate a ditch that might someday hold water.

Do you plan on providing clear and durable Waters of the U.S. guidance to producers as Administrator?

Mr. Zeldin. Senator, I believe that it is incredibly important for the EPA to provide clear and durable guidance as it relates to Waters of the U.S. The Sackett decision is easy to understand for any of those property owners in your State, yet still they have questions as it relates to the rules and regulations that are on the books. It should be as clear as possible so that your people can understand without having to go hire an attorney or someone else to assist them with compliance and definitions.

Senator Ricketts. Great. Well, again I would just remind you that the Clean Water Act says navigable waters. It is a pretty plain English definition. Congress' intent could not have been more clear. So I would just remind you as you are going through that process to keep that in mind. Thank you very much, Congressman Zeldin and Madam Chairman.

Senator Capito. Senator Markey?

Senator Markey. Thank you, Madam Chair, and again, congratulations on your new position.

Senator Capito. Thank you.

Senator Markey. Respectfully, to my friend from Nebraska, there is no EV mandate. Doesn't exist. There is no EV mandate.

It is not a mandate, it is a clean car standard, which is technology neutral, driven by American innovation and the need to protect our environment. So there is no mandate. I have to keep repeating that, every time.

Again, Congressman, Project 2025 proposes to eliminate the Office of Enforcement and Compliance Assurance at the EPA. Do you agree with that proposal?

Mr. Zeldin. Senator, first off, I have never read any word of Project 2025.

Senator Markey. I am not going to ask if you have read it. But do you agree with the proposal to eliminate the Office of Enforcement and Compliance Assurance at the EPA?

Mr. Zeldin. While that is something that I had never thought of before your asking that question, no. It is an important function of the EPA. We have had good extended conversations here about that topic during today's hearing, Senator.

Senator Markey. So again, that just prompted the question, and the answer is a very good answer. Thank you. On the EPA Clean Car Rule, it is projected to cut air pollution and prevent about 2,500 premature deaths in a single year. Over the life of it, it would obviously be tens of thousands of lives which are saved. And it would save drivers \$46 billion in fuel costs, 15 billion barrels of oil that would not have to be used, and

\$6,000 over the life of the new vehicle.

So if confirmed, are you planning to initiate a new rulemaking that could undermine those clean car standards?

Mr. Zeldin. Senator, if confirmed, I cannot sit before you and announce the initiation of any new rules. I have no announcements to make of rules that are going to change and I plan on following my obligations under the law to ensure that throughout my tenure, if confirmed as EPA Administrator, that I never prejudge outcomes heading into that process.

Senator Markey. Okay, again, the savings are quite profound for American consumers, dollars in their pockets, because of those much higher standards that don't require oil to be put into gasoline tanks, where we put about 70 percent of all the oil that we consume.

In September, RFK, Jr., the Health and Human Services nominee, went on the Dr. Phil show and he said, "It is glyphosate, which is the active ingredient in RoundUp, it is the pesticides, it is atrazine, it is PFOAS, the forever chemicals, we are mass poisoning an entire generation of kids." Do you agree with that conclusion by RFK, Jr. that these pesticides are mass poisoning the kids in our Country?

Mr. Zeldin. Senator, I would welcome an opportunity to be able to read through all the science and research that is being cited to support that conclusion to be able to answer that

question, following the review of that material. That is a review that I would need to engage in.

Senator Markey. It is obviously a very serious question, and it is one that hopefully would have the EPA working with HHS on a resolution of that issue.

In the two and a half years since its passage, the Inflation Reduction Act has spurred the creation of 400,000 jobs and \$420 billion in investment, and \$193 million of direct Federal spending actually has gone to your former Congressional district since 2022. So regardless of your stance on the bill back then, it did become law, and more than \$68 billion has already been appropriated by the EPA from the IRA, and the Bipartisan Infrastructure Law.

Are you going to ensure that EPA's ongoing implementation of grants, which have already been fairly awarded under existing laws like the IRA and the Bipartisan Infrastructure Law, that they are not impeded or held up for political reasons?

Mr. Zeldin. Senator, my commitment is to follow the law. As it relates to so much of what is being discussed during this hearing, that is the obligation that motivates me. I have to be prepared to sit before this committee and be able to answer questions insofar as it relates to funds that have gone out the door not just currently but also in the future. It is important for me to get my hands and my head all wrapped around everything

that has been going out the door.

Senator, I was concerned when there was a video a few weeks ago of a political appointee at the EPA who was talking about how they were tossing gold bars off the Titanic to distribute billions of dollars before Inauguration Day on Monday. I don't know at all what grants were being referenced with that repeated comment. It was also referenced in that video that they were tossing these gold bars off the Titanic with an eye towards getting themselves jobs from recipient NGOs. I don't know what any of that is about, but that is concerning to me. I want to be able to answer to you and to answer to every member of this committee that I am being a good steward of the tax dollars.

Senator Markey. I just want to remind you that 80 percent of all those grants have gone to Republican districts. So that is, I think, something that you should keep in mind in terms of, I would say, the impartiality of what those decisions have been at the EPA. That is not just some ideological set of decisions, if 80 percent of the money is going to red States.

I guess all I would say is, I heard what you are saying, but I just hope you would resist the temptation to hold a witch hunt and to break out the torches and the pitchforks to go after all these programs. Because I think they must have been pretty fairly given out if a blue Presidency at the EPA left 80 percent of the money towards red districts. I just want a presumption

of innocence from you in terms of the decisions that were made.

Mr. Zeldin. Right, yes, Senator, I just want to be able to account.

Senator Markey. I appreciate that. I just need your --

Mr. Zeldin. Yes, Senator.

Senator Markey. -- assurance that you do assume that most of this was done fairly.

Mr. Zeldin. Senator, I would only assume, I can only assume as I sit here that upon review that there will be, I will find out about all sorts of funding that went out the door that was following the law as written by Congress. All I am saying is that I want to have the ability to sit before Chairman Capito who has been very vocal on this issue and be able to answer her question on a specific grant that she has spoken out about, or grants that committee members may speak about in the future. I just want to be in a position to account to all of you as far as the dollars being spent by EPA.

I can only assume that there will be funding that will be, from that review, that will be in accordance with the law.

Senator Capito. So I am going to go to Senator Schiff.  
Thanks.

Senator Schiff. Thank you, Madam Chair.

Mr. Zeldin, although California banned the installation of lead pipes in 1985, the average home in South Los Angeles is



over 70 years old and more likely to contain corroded lead plumbing than other regions in the State. Lead in drinking water particularly from old pipes and plumbing systems is a significant public health threat, especially for children.

Out of the 58 counties in the State of California, Fresno County has one of the largest numbers of children with high levels of lead in their blood. In 2016, nearly 14 percent of children tested in one Fresno neighborhood had a reported high lead levels, 25 percent of schools in Fresno reported finding lead coming from their drinking water fountains. Forty homes had lead levels above the Federal limit.

In October, the EPA announced new final regulations requiring drinking water systems across the Country to identify and replace all lead pipes within 10 years. Will you continue the EPA's work to help local communities like those in Fresno and in South Los Angeles replace lead pipes, particularly in many of these communities that are historically underserved?

Mr. Zeldin. I will look forward to that opportunity to work with you, Senator, on this issue.

Senator Schiff. The EPA administers 12 geographic programs, longstanding geographic specific programs that help protect local ecosystems and communities from climate change, habitat loss, and pollution. There are efforts to add the Salton Sea in California, which is an ecological disaster,

potentially paired with the Great Salt Lake, which has similar ecological and health issues, as part of EPA's geographic program designation. If successful, that would mean revenues that could be used to mitigate that environmental hazard in a very neglected part of the State.

Will you pledge to consider adding the Salton Sea to one of these geographic programs?

Mr. Zeldin. Yes, Senator. I know from our conversation yesterday just how important this is to you. I look forward to getting more familiar about this issue, and that certainly can be my commitment as I sit here today. If confirmed, I would welcome that opportunity to work with you on this issue and see what I can do to assist.

Senator Schiff. Thank you.

Let me address a third critical issue affecting the health and well-being of millions of Californians, and that is air quality, not only in the aftermath of the ongoing wildfires, but also in the breadbasket of America. Unfortunately, we have some of the worst air quality in the Nation, failing to meet Federal health standards for both ozone and particulate pollution.

This pollution directly impacts our families, our children, our communities. Last summer, residents of Fresno had just 10 days of healthy air, a stark reminder of the urgency of the situation. EPA has long supported California's efforts to

address this crisis through clean vehicle programs, regulatory actions and strong enforcement. We have to continue this vital work, pushing for policies that protect public health and create a cleaner, healthier future for the San Joaquin Valley and all of California.

Do you support investments like the ones that the EPA has made in the San Joaquin Valley to improve the quality of air there?

Mr. Zeldin. Senator, to the maximum extent possible under the law that I, if confirmed as EPA Administrator, can assist on this and all the other issues that you referenced here today, I would welcome that opportunity to be able to work with you. As far as specific funding commitments, I need to make sure that I am following my obligations under the law as Congress sets out as to how funding should be appropriated, so that I can account to you afterwards.

So moving forward, if there is any funding now and in the future that EPA has an obligation to distribute to help with this, I welcome that opportunity. It is possible that I might need to defer to Congress to be able to give me access to funding for investments in the future, if that is part of what you are referring to. Regardless, you have my commitment to work with you on this.

Senator Schiff. I appreciate it. Finally, one of the

things that I found most striking as I have traveled around the State in the last couple of years, I expected, coming from an L.A. district, to get a full indoctrination on water and the competition between the cities and the farms over water, and I did. But what was more striking to me was just how many tens of thousands if not hundreds of thousands of people in places like the Central Valley can't drink their own water. And here I am not talking about lead, although lead is a problem there.

But the flooding of dairy waste ponds into water wells, the depletion of the aquifers resulting in manganese, there are just thousands and thousands of people told, you can't drink your water, you can't bathe in your water. A lot of these communities don't have the resources to address it. I would, if confirmed, I would want to work with you to do everything we can to make sure that everyone in the State of California and indeed, the Country, has access to good, clean drinking water.

Mr. Zeldin. Yes, Senator, this is extremely important. No American should feel like a story they might hear about, read about, of poverty in Iraq or Afghanistan, no American should feel like they are living in some third-world country or some war-torn country. Every American should be able to access clean water, potable water, and that is something that I look forward to doing my part, if confirmed, to be able to work with you and everyone on the committee to ensure that we are delivering as a

Nation.

Senator Schiff. Thank you, Madam Chair.

Senator Capito. Thank you.

Well, I am going to ring this down to a close here. My office has received letters in support of Congressman Zeldin's nomination as EPA Administrator, with more continuing to arrive. The sources of these letters demonstrate the wide-ranging support of Congressman Zeldin's nomination. So I would ask unanimous consent to enter these 27 letters into the record for all to see. Without objection, so ordered.

[The referenced information follows:]

Senator Capito. I would like to thank you, Congressman Zeldin. I would also make just several quick observations. It is obvious to me in the testimony and the questions that you took a lot of time and effort through you and the folks that were helping you to make sure that every member had access to you and had a conversation with you before you actually testified before the committee.

I think that was definitely reflected in the tone and the substance that we saw here today. So I appreciate that. I know it is time consuming and difficult sometimes to get on everybody's schedule, but I think you did a magnificent job here.

Without further questions, I would like to thank you and thank your family for being here and for your participation. Senators who wish to submit written questions for the record have until 5:00 p.m. tomorrow, Friday, January 17th, to do so. The nominee's responses to those questions for the record are due back to the committee no later than 9 a.m. on Tuesday, the day after inauguration, January 21st.

With that, I do look very much forward to helping to shepherd you. I think you have done an excellent job here today. You will be an excellent Administrator to the EPA, and I fully expect that your confirmation will be very positive.

Thank you very much, and everybody enjoy the day. Thank

you. We are adjourned.

[Whereupon, at 1:16 p.m., the hearing was adjourned.]