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U.S. Senate

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Committee on Environment
and Public Works

Washington, D.C.

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BUSINESS MEETING

Wednesday, April 26, 2023

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 9:47 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Cardin, Sanders, Whitehouse, Merkley, Markey, Stabenow, Kelly, Padilla, Fetterman, Boozman, Ricketts.

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

Senator Carper. Good morning, everyone. I call this business meeting to order. I thank all of you for joining us today as we consider two of President Biden's nominees to important leadership posts at EPA, as well as bipartisan recycling legislation that Senator Capito and myself and a number of us here have worked on.

First, we are going to vote when we have the right number of people here. I think we are pretty close. We are going to vote on Joe Goffman, President Biden's nominee to be the Assistant Administrator for the Office of Air and Radiation at EPA.

Throughout his career, Mr. Goffman has demonstrated dedication to public service and a deep sense of integrity. He has implemented the law in a way that provides cleaner air and a safer climate for all, while also giving industry predictability and certainty. I have long supported his nomination, and I look forward to advancing him today.

Next, we are going to be voting on David Uhlmann, President Biden's nominee to be Assistant Administrator of the Office of Enforcement and Compliance Assurance at EPA.

As a distinguished public servant with 17 years of experience as a Department of Justice prosecutor, including

seven years as Chief of the Environmental Crime Section, Mr. Uhlmann is exceptionally qualified to lead EPA's critical enforcement functions. I will vote yes to advance both these nominees, and I urge our colleagues to do the same.

In addition, we will be considering the Recycling Infrastructure and Accessibility Act and the Recycling and Composting Accountability Act. These two bipartisan bills would help address our Nation's recycling and composting challenges by improving recycling access and data collection. If they look familiar, they should, because we voted and reported them out of here, and the Senate has supported them in a previous Senate.

I thank Senator Capito, and I want to thank Senator Boozman for their very thoughtful collaboration with me and our staffs on developing this legislation. I urge our colleagues to join us in voting yes on both of these bills.

With that, let me turn it over to Senator Capito for her statement, and then we will have some votes. Thank you.

[The prepared statement of Senator Carper follows:]

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

Senator Capito. Thank you, Mr. Chairman, and thanks for calling the business meeting.

Today, as you said, we are considering two recycling bills that you and I have worked on since the last Congress. We are voting on your and Senator Boozman's bill that I am pleased to cosponsor, the Recycling and Composting Accountability Act, as well as my bill, the Recycling Infrastructure and Accessibility Act. I have heard a lot about this from folks that are really excited on the outside to really jumpstart a better recycling regime. Thank you for that.

The full Senate understood the value of our efforts, and both bills passed by unanimous consent last year. So we are passionate about recycling, including improving access to it in rural communities, and we will continue to push for enactment of these sensible pieces of legislation.

I expect we will report out David Uhlmann's nomination by voice vote. Mr. Uhlmann has been nominated to lead the EPA's Office of Enforcement and Compliance Assurance. Last Congress, when we considered this nomination, I could not support him because of the agency's failure to be responsive to my oversight request. I have observed a considerable improvement in the EPA's responsiveness and communication with me and members of my

staff, so I am comfortable in reporting Mr. Uhlmann's nomination today.

However, I do remain firm in my opposition to the nomination of Joe Goffman to serve as the Assistant Administrator of EPA's Office of Air and Radiation. I cannot support Mr. Goffman's nomination because of the misguided policy he has developed and shepherded over years, both for the Obama Administration and during the Biden Administration.

My opposition to his nomination is no secret, but I do want to highlight some of the recent policies out of EPA that have deepened my opposition. In the last five months, the EPA has inflicted considerable additional damage on our economy through overreaching air regulations and announced plans to issue even more.

The agency imposed a Federal implementation plan on States across the Country, an action I have dubbed the Headwind Rule because of the economic headwinds it imposes on electricity prices, the energy sector, and other critical industries in this Country. The rule imposes \$14 billion in additional costs, all as inflation and energy prices remain high.

This rule is a particular headscratcher, because it will not actually help any areas that have elevated pollution to meet their air quality standards. The Headwind Rule is now being followed by a stream of additional regulations, all targeting

the power sector.

This month, the EPA proposed to tighten emissions standards on power plants under Section 112 of the Clean Air Act, even though current standards already protect public health with an ample margin of safety. As major newspapers are reporting, we will soon see an EPA proposal to establish punishing carbon dioxide emissions standards as the Biden Administration attempts to replace the illegal Clean Power Plan. This onslaught of regulations on power plants has one clear goal: drive a stake in the coal industry and squeeze natural gas use.

As soon as he got to office, President Biden made an international pledge that reasonable people knew he could not keep, which was to drive down greenhouse gas emissions at impossible rates, 50 to 52 percent below 2005 levels by 2030. Recent reports from academics and analysts have concluded that the only way to get close to that pledge and for the Biden Administration to save face on this botched promise is to throw down the regulatory hammer on the electricity sector. Even the bloated, reckless spending from the Democrats' Inflation Act cannot get the economy there.

So the EPA under Mr. Goffman's leadership is furiously developing regulations to try to get close to that misguided pledge. I oppose Mr. Goffman because of the policies he has developed and is developing at unjustifiable cost and ignoring

legal limits. These policies will hurt workers, businesses, families, and the communities that I represent.

With that, I yield back to you, Chairman Carper.

[The prepared statement of Senator Capito follows:]

Senator Carper. Thanks very much.

I think we are going to go ahead. Senator Boozman, do you want to say anything about the recycling bills? Thanks so much for your work on them.

Senator Boozman. No, the only thing I would say is, we appreciate you and Senator Capito being such leaders in this effort. This is something we can all be very proud of. We just need to work hard and get it passed totally.

Senator Carper. Thanks for being the wind beneath our wings. You really have been, too.

Senator Boozman. I will take that.

Senator Carper. Yes, there you go. It is one of the nicer things you have been called, I am sure.

[Laughter.]

Senator Carper. Next, we are going to call up the nomination of Joseph Goffman, Number 119, of Pennsylvania to be Assistant Administrator for the Office of Air and Radiation of the Environmental Protection Agency.

I move to approve and report the nomination favorably to the Senate. Is there a second?

Senator Cardin. Second.

Senator Carper. Thanks for the second.

The clerk will call the role.

The Clerk. Mr. Boozman?

Senator Boozman. No.

The Clerk. Ms. Capito?

Senator Capito. No.

The Clerk. Mr. Cardin?

Senator Cardin. Aye.

The Clerk. Mr. Cramer?

Senator Capito. No, by proxy.

The Clerk. Mr. Fetterman?

Senator Carper. Yes, by proxy.

The Clerk. Mr. Graham?

Senator Capito. No, by proxy.

The Clerk. Mr. Kelly?

Senator Kelly. Aye.

The Clerk. Ms. Lummis?

Senator Capito. No, by proxy.

The Clerk. Mr. Markey?

Senator Markey. Aye.

The Clerk. Mr. Merkley?

Senator Merkley. Aye.

The Clerk. Mr. Mullin?

Senator Capito. No, by proxy.

The Clerk. Mr. Padilla?

Senator Padilla. Aye.

The Clerk. Mr. Ricketts?

Senator Ricketts. No.

The Clerk. Mr. Sanders?

Senator Sanders. Aye.

The Clerk. Ms. Stabenow?

Senator Stabenow. Aye.

The Clerk. Mr. Sullivan?

Senator Capito. No, by proxy.

The Clerk. Mr. Whitehouse?

Senator Whitehouse. Aye.

The Clerk. Mr. Wicker?

Senator Capito. No, by proxy.

The Clerk. Mr. Chairman?

Senator Carper. Aye.

The Clerk. Mr. Chairman, the yeas are ten, the nays are nine.

Senator Carper. The nomination is favorably reported.

Next, I call up the Presidential Nomination Number 118 of David Uhlmann of Michigan to be the Assistant Administrator for the Office of Enforcement Compliance Assurance of the Environmental Protection Agency.

We will consider this nomination by voice vote. I understand there may be several members on the committee who would like, after we have done a voice vote, to be recorded as no. If you would like to do that, just let us know, and we will

make sure that happens.

I move to report this nomination favorably. Is there a second?

Senator Cardin. Second.

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

[Chorus of ayes.]

Senator Carper. Opposed, say nay.

[No audible response.]

Senator Carper. The ayes have it. In the opinion of the chair, the ayes have it. The nomination will be favorably reported.

I note for the record that a voting quorum of the committee is present.

Next, I want to call up Senate Bill 1189, the Recycling Infrastructure and Accessibility Act of 2023 and S. 1194, the Recycling and Composting Accountability Act. We will consider these two bills en bloc by voice vote.

I move to report these items favorably. Is there a second?

Senator Cardin. Second.

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

[Chorus of ayes.]

Senator Carper. Opposed, say nay.

[No audible response.]

Senator Carper. In the opinion of the chair, the ayes have it. The two bills will be favorably reported. I note for the record, the voting quorum of the committee is present.

This concludes the committee's votes as part of the business meeting today. I really want to thank everybody for making time to be here this morning and taking care of business.

With that, Senator Capito, anything else that you would like to say before we jump into the hearing part?

Senator Capito. No, I am ready to go.

Senator Carper. Okay. Anybody want to say anything before we jump into the hearing before us today?

With that, the business meeting is adjourned. Again, our thanks to everybody for making time to join us today.

[Whereupon, at 9:56 a.m., the committee proceeded to other business.]