**Opening Statement of Ranking Member Whitehouse**
**Senate Environment and Public Works Committee Hearing: "Hearing on the Nominations of David Fotouhi to be Deputy Administrator of the Environmental Protection Agency and Aaron Szabo to be Assistant Administrator for the Office of Air and Radiation of the Environmental Protection Agency."**
**March 5, 2025**

Today is Day 45 of the second Trump Administration. In his first month and a half, we've seen attacks on the rule of law, willful disregard for the Constitution, a funding freeze that is threatening to kill jobs and drive up energy costs for families, "trauma" inflicted on dedicated career staff at various agencies—the list goes on.

We, on this dais, have oversight responsibility for the Environmental Protection Agency. But despite my asking—*many* times—I'm still trying to figure out what is happening within the walls at 1200 Pennsylvania Avenue.

I have sent reasonable requests to EPA for information and have been met with near total radio silence.

On January 31, I—along with all the Democrats on this dais—wrote to Administrator Zeldin to request that he explain his legal basis for EPA's funding freeze that continues to threaten American jobs and jeopardize infrastructure projects from Alaska to West Virginia to my home state of Rhode Island. Much of this funding was passed on a bipartisan basis to make long overdue investments in our roads, bridges, transit, ports, drinking water, wastewater, and other systems that serve as the backbone of our nation's economy.

On February 6, I again wrote to Administrator Zeldin and his counterpart at OPM calling out the Administration's so-called "deferred resignation" scam against hard-working civil servants, again asking how the Administration could legally promise such a thing without Congressional appropriations. Promising money that's not yet there has a name—it's called Deficiency.

On February 24, I again led all of the EPW Democrats in demanding answers about EPW's efforts to claw back $20 billion in Congressionally-approved clean energy funding for projects nationwide. Administrator Zeldin has been gaslighting the American people, manipulating facts as a pretext to terminate an already obligated, congressionally authorized program that would lower household energy costs, spur economic development, and reduce pollution.

And on February 28, all of us EPW Democrats again wrote to Administrator Zeldin, asking him about reports that he had made a backroom push to the White House to rescind the EPA's "Endangerment Finding"—a 2009 determination based on sound science that greenhouse gases are harmful to human health.

That greenhouse gases harm public health was scientific fact when the endangerment finding was issued in 2009; 16 years later, the evidence has only gotten stronger, and the looming economic harms more dangerous. One obvious way climate change is harming Americans

across the country is through spiraling insurance premiums. Another is through spiking grocery prices.

The *only* people who benefit from repealing the endangerment finding are the planet's biggest polluters.

In reply to these four letters, we've received just one response, and it didn't come close to answering all our questions. My staff have now twice requested a briefing on the funding freeze. Those requests have been met with radio silence.

I suspect that's because Administrator Zeldin knows that he has no legal basis for the funding freezes, the clawbacks, or the manipulation of science.

And yet, because I and my fellow Democrats respect the Constitution and the rule of law, here we are today to consider two additional nominees to the EPA. I hope they will be more forthcoming, transparent, and honest in their answers than was Administrator Zeldin at his confirmation hearing.

David Fotouhi, nominated to serve as Deputy Administrator, has held two jobs since graduating law school: first, he served as lawyer for a prominent white-shoe law firm where, as his own disclosures demonstrate, he defended a raft of big polluting interests including Chevron and Sunoco.

His second job was in EPA's Office of General Counsel during the first Trump administration, where he worked hard to repeal environmental regulations meant to protect human health and the environment.

It remains difficult for me to understand how someone who has made a career *defending* the very industries that destroy our environment has any business now being entrusted to protect it.

Then there's Aaron Szabo, who has been nominated to serve as the Assistant Administrator for the Office of Air and Radiation.

He is credited *by name* as a contributor to the EPA chapter of Project 2025, the extremist right-wing blueprint for dismantling the federal government that Trump is now dutifully implementing.

Some environmental highlights from Project 2025? Weaken the Clean Air Act by reversing the Endangerment Finding. Purge the agency and bring "trauma" to its employees.

In case you aren't keeping score at home: Administrator Zeldin is already hard at work on these.

Mr. Szabo was an advisor to the America First Policy Institute—the Trump-aligned think tank funded by Big Oil interests—and worked as a lobbyist where he pushed the interests of major polluters like the American Petroleum Institute's members.

Is this really what we want for the EPA? Is this really how we protect clean air and clean water?

As I said at our hearing to consider Administration Zeldin, I will be watching closely today to see if Mr. Fotouhi and Mr. Szabo are able to differentiate themselves in any substantive ways from the polluter agenda.

Forgive me—in light of their client lists and the chaos and lawlessness that have already occured 45 days into this second Trump Administration—if I seem skeptical.