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Committee on Environment
and Public Works

Washington, D.C.

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HEARING ON THE NOMINATIONS OF KATHERINE SCARLETT TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY AND JEFFREY HALL TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Wednesday, July 23, 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 562, Dirksen Senate Office Building, the Honorable Shelley Moore Capito [chairman of the committee] presiding.

Present: Senators Capito, Whitehouse, Curtis, Husted, Markey, Padilla, Schiff.

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

Senator Capito. Good morning, everybody. And I would like to call this hearing to order, and thank everybody for being here.

It is a busy day on Capitol Hill, as you all know. Wednesdays are exceedingly busy, and this one is no exception to that.

At this hearing, we will consider the President's nomination of Katherine Scarlett to serve as Chairman of the Council on Environmental Quality, and Jeffrey Hall to serve as the Assistant Administrator for the Office of Enforcement and Compliance Assurance at the Environmental Protection Agency. So, thank you both for your willingness to serve.

I want to give a special welcome to Katherine's family. Katherine I know because she and I worked together. Her husband, Brian, and her parents are here today. So thank you for joining us.

And I know that Jeffrey has his parents and his wife here with him today. Thank you all for coming and being supportive.

Established by the National Environmental Policy Act, also known as NEPA, the Council on Environmental Quality, or CEQ, as we call it, is part of the Executive Office of the President. The agency is primarily responsible for advising Federal

agencies on the implementation of NEPA and as well as developing and recommending environmental policies to the President.

Katherine is very well qualified to lead CEQ. In her current role as CEQ's chief of staff, Katherine has supported the efforts of Federal agencies to implement the Bipartisan Federal Responsibility Act, and ensure compliance with recent court decisions as agencies update their individual NEPA regulations and procedures.

She also led efforts to modernize environmental review and permitting processes through President Trump's Permitting Technology Action Plan recently launching the CE Explorer, which allows the easy identification of more than 2,000 categorical exclusions established by Federal agencies.

During the time of the first Trump administration, Katherine served in senior roles at CEQ and also at the Federal Permitting Improvement Steering Council.

In the four years between her service in the Executive Branch, Katherine served on my staff here at EPW, playing a key role in shaping bipartisan provisions in the Infrastructure Investment and Jobs Act, Economic Development Reauthorization Act, and the America's Conservation Enhancement Reauthorization Act. So, thank you for that.

As my colleagues know, Ranking Member Whitehouse and I are diligently working on bipartisan legislation to reform the

environmental review and permitting processes for all projects. I am hopeful we can get a bill to the President's desk for his signature. And when we do, I am confident that it will be implemented faithfully under Katherine's leadership at CEQ.

Today, we will also hear from Jeffrey Hall, thank you, Jeffrey, for being here, President Trump's nominee to lead the EPA's Office of Enforcement and Compliance Assurance. OECA works with EPA regional offices in partnership with State governments, tribal governments, and other Federal agencies, to promote regulatory compliance and enforce the Nation's environmental laws and regulation.

The Office targets the most serious water, air, and chemical pollution violations under the laws, such as the Clean Water Act, the Clean Air Act, CERCLA, and the Toxic Substances Control Act. In carrying out the EPA's statutory authority, OECA must operate within the confines of our Federal environmental laws, not invent new, novel violations to penalize regulated entities.

The previous administration placed an outsized emphasis on penalizing regulated entities rather than working with good faith actors in the regulated community to ensure compliance. Mr. Hall will be tasked with striking the right balance between the agency's efforts to encourage compliance with our environmental laws and targeting the entities flaunting those

laws to ensure Americans have clean air, clean water, and clean land.

Mr. Hall's professional experience gives him the expertise to effectively lead this office. He has worked as a litigator, prosecutor and legal advisor representing Federal agencies, corporations and individuals in a wide variety of litigation and in both criminal and civil enforcement procedures. I look forward to hearing how Mr. Hall will navigate the agency's enforcement and compliance priorities today.

So with that, I will 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, Chairman.

As President Trump continues his unchecked parade of corruption, today we consider nominees for positions at the Environmental Protection Agency and at the White House Counsel on Environmental Quality.

I have said before, and will say it again: as the EPA lays waste to longstanding science-based regulations, dismantles the agency, and otherwise betrays its commitment to the American people to protect clean air and clean water, every single nominee for EPA merits a heavy dose of skepticism.

Jeffrey Hall is being nominated for a post where the job, in theory, is to enforce the law against major polluters. In this administration, the intent is to have no one policing the polluters, no accountability for polluters, no accountability for failing to keep within air or water permit limits, no accountability for even failing to get a permit in the first place.

That is how you nullify a body of law without having to go through the procedure of rolling back each permit limit or standard or go through the legislative work of repealing the underlying statute. Crippling enforcement is the fast-track way to do President Trump’s dirty work as proposed by Project 2025

dismantling EPA's Office of Enforcement and Compliance Assurance, OECA.

That office in theory works with EPA regional offices, State and tribal governments, and the Department of Justice to hold polluters accountable. OECA helped seek justice for Gulf Coast communities after BP's Deepwater Horizon disaster, secured billions for consumers after VW's "Diesel-Gate" scandal, and won cleanup, groundwater monitoring, and health exams for residents of East Palestine, Ohio, following the 2023 Norfolk Southern train derailment.

When polluters flout Federal pollution laws, endanger workers and fence line communities, contaminate our air and drinking water, or dump hazardous waste, it is OECA that should work around the clock to make things right. And it is OECA that should help ensure compliance with environmental laws to prevent the worst incidents from happening.

In short, whoever is leading OECA should be armed and ready with knowledge of our environmental laws, expertise to enforce them, and commitment to serving the American people. OECA should definitely not be led by someone eager to bend the knee to the biggest polluters.

Mr. Hall has neither the seriousness nor experience, in my view, to lead OECA. His most recent law firm bio before he left for EPA mentioned environmental enforcement matters exactly zero

times. It is not clear how much he has really worked in environmental law at all. Two of his seven years at DOJ were in the Office of the Associate Attorney General, where he was the point of contact for the Religious Liberty Task Force during the first Trump administration. Most of his time at DOJ was spent in the Civil Division or on brief assignments to other divisions, including just seven months in the division that works with OECA, the Environment and Natural Resources Division, or ENRD.

Mr. Hall then co-founded Burke Law Group, a firm focused on defeating statutory protections meant to guarantee clean air and clean water, seeking to limit EPA's authority under the Clean Air Act, and gutting greenhouse gas regulations that protect against poisonous emissions, defending industry clients in Federal and State enforcement actions.

Earlier this year, Mr. Hall became Acting Assistant Administrator of OECA and now Senior Advisor. The actions he has taken already suggest that he intends to make it easier for the worst polluters to pollute. He already announced that the office would, and I quote here, "no longer focus on methane emissions from oil and gas facilities" and that any in-progress enforcement actions would need to go through him before proceeding, a massive handout to methane polluters.

In the same memo, Mr. Hall significantly narrowed

enforcement of community and water protections from coal ash storage, making it easier for coal-fueled plants to poison our drinking water.

During Mr. Hall's short tenure, EPA has already walked back at least three significant enforcement actions. In June 2025, EPA withdrew its lawsuit against the GEO Group, a major private prison contractor, despite previously citing over 1,000 violations of Federal Insecticide, Fungicide, and Rodenticide Act violations at one of its facilities. The case had sought nearly $4 million in penalties for the improper use of a toxic disinfectant, which had in some cases evidently been sprayed directly on detainees.

Guess what? GEO is a major Trump donor, contributing directly and through affiliates at least $1 million to Trump-aligned super PACs and had formerly retained current Attorney General Pam Bondi as its registered lobbyist.

In March 2025, a week before trial was scheduled to begin, EPA dismissed a Clean Air Act lawsuit against Denka Performance Elastomer, a neoprene manufacturing facility in Louisiana's Cancer Alley. Mr. Hall and the Trump administration dismissed the case evidently because combatting cancer-causing emissions in poor communities constitutes "radical DEI."

And more recently, EPA attempted to unwind a $150 million settlement for a Passaic River Superfund cleanup, though a

Federal judge put a stop to those shenanigans. The settlement, which was negotiated for a decade, was entered over the objection of the two largest polluters at the site, including Occidental Petroleum Company, one of a handful of oil and gas companies present at a Mar-a-Lago meeting where then-candidate Trump offered the fossil fuel industry favors in administrative and regulatory policies in exchange for campaign cash.

Mr. Hall's actions are particularly troubling in view of EPA's planned cuts to and reorganization of OECA. According to EPA's Fiscal Year 2026 budget request, the administration is seeking to cut its budget for criminal enforcement by 49 percent, for civil enforcement by 30 percent, and for compliance monitoring by 35 percent.

Meanwhile, in the Justice Department's Fiscal Year 2026 budget request, DOJ leadership proposes cutting 59 attorneys from across ENRD, helping toxic polluters by stripping the EPA of its DOJ lawyers.

The effects are already being felt. EPA and DOJ have brought only three, three judicial enforcement cases in Federal court since January 20th, putting it on a pace to file maybe seven by the end of the fiscal year. By comparison, even the first Trump administration filed 80 civil judicial enforcement complaints and opened 115 environmental crime cases during the 2017 fiscal year.

Appointing a MAGA zealot to run an office as important as OECA only makes sense if your plan is to torpedo that office from within. I hope Mr. Hall in his position can convince me that I am wrong, but you can understand why recent history leaves me very skeptical.

Thank you, Chairman.

[The prepared statement of Senator Whitehouse follows:]

Senator Capito. All right, thank you, Senator Whitehouse.

I am going to do a brief introduction of the nominees, swear you in, and then we will have your statements.

So as I mentioned in my opening statement, Katherine Scarlett currently serves as chief of staff for the Council of Environmental Quality. Katherine, before returning to CEQ, was a senior professional staff member of mine here on this committee and was a skilled staffer handling permitting NEPA, wildlife, and economic development issues along with educating this Senator here, which is no small task.

She brings a wealth of experience and knowledge to CEQ through her many years in both the executive and the legislative branches. So it is nice to have you back and have you before us.

Our second nominee under consideration this morning is Jeffrey Hall, nominated to be Assistant Administrator of EPA's Office of Enforcement and Compliance Assurance. Mr. Hall is currently a senior advisor at the EPA under Administrator Zeldin.

Before joining that agency, he worked in private practice, and before that was a trial attorney for the Department of Justice. He has litigated of the Federal judiciary with a wide variety of issues. So we welcome you, Mr. Hall, we are glad to have you.

Before we go to opening statements from the nominees, I will now administer the oath for your sworn statements. So if you will both rise and raise your right hand and answer the following question.

Do you swear the testimony you are about to give to this committee is the truth, the whole truth, and nothing but the truth, so help you, God?

Ms. Scarlett. I do.

Mr. Hall. Yes.

Senator Capito. Let the record show that the witnesses have answered in the affirmative. So we will now hear from the nominees. Thank you.

Katherine, when you are ready, please proceed to your opening statement.

STATEMENT OF KATHERINE SCARLETT, NOMINEE FOR CHAIR OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Ms. Scarlett. Good morning, Chairman Capito, Ranking Member Whitehouse, and members of the committee. Thank you for holding today's hearing.

I am honored to appear before you today as President Trump's nominee for Chairman of the Council on Environmental Quality. I would like to thank my friends and colleagues who are here today, and most importantly my husband, Brian, and my parents, Gail and Dallas Smith. I also want thank my two children, Rachel and Jack, who, after much debate and failed practice, we have decided to leave at daycare today.

[Laughter.]

Ms. Scarlett. From a young age, I have been privileged to experience this Nation's vast beauty. From growing up playing baseball in sandlots in Grandview Heights, Ohio, traveling coast to coast with my college marching band, to honeymooning in the Nation's breathtaking national parks in Utah, and now, watching my husband teach our children to set crab traps on the Chesapeake Bay, I know that we are blessed with a bountiful heartland and magnificent national parks, rivers, mountains, and coastlines.

Over the last eight years, I have worked in a variety of roles focusing on environmental policy and permitting. My first

role at CEQ, as Special Assistant, marked my entry into public service in 2017 and ever since then I have remained dedicated to serving the American people. I moved into a policy role at CEQ in 2018 as Deputy Associate Director for Infrastructure. In 2020, I joined the Federal Permitting Improvement Steering Council as its first Chief of Staff. And for four years, I had the honor of working as professional staff for this committee before I took on my current role as CEQ Chief of Staff.

My preparation for this role comes in large part from my experience at this committee. In those four years, I worked on a number of bipartisan bills that became law, including the Surface Transportation Reauthorization, the Economic Development Reauthorization Act, and America's Conservation Enhancement Act of 2024.

EPW has a reputation for working in a bipartisan manner and passing legislation unanimously out of committee. We worked across the aisle to turn ideas into bills and bills into laws, and I appreciate how those laws are rooted in the hard work of members and staff on both sides of the dais before me now. I am a better public servant for being a part of this process, and I am honored to be here today before the Committee to which I owe so much.

CEQ has a critical role providing guidance on the implementation of the National Environmental Policy Act. NEPA

provides a national policy to create and maintain the conditions under which man and nature can exist in productive harmony. Because of my experience, I recognize that environmental review and permitting processes affect every aspect of our Nation from roads and bridges and habitat conservation projects to critical energy infrastructure and national security installations.

If confirmed as Chairman, I commit to leading the interagency process to advance these policies and ensure efficient and consistent environmental reviews across agencies.

Over the years, I have been afforded the opportunity to watch CEQ make incredible progress toward lasting permitting reform. For example, when I started at CEQ, agencies often had little to no awareness of the categorical exclusions established by other agencies. These CEs were buried in the Code of Federal Regulations or guidance documents, and in some cases were not publicly available at all.

As special assistant at CEQ, I helped create a CE Catalog identifying each Federal agency's CEs in a simple Excel spreadsheet.

In this administration, CEQ is now implementing Presidential and Congressional directives to leverage modern technology to improve the process. As part of this renewed effort, CEQ recently launched the CE Explorer. This online, derived from the original CE spreadsheet, will help improve the

environmental review process, allowing agencies and stakeholders to easily search and identify categorical exclusions that apply to their projects.

This is the type of lasting impact I hope to oversee, if confirmed to lead CEQ.

In closing, I believe that efficient and consistent decision making and robust environmental reviews are not mutually exclusive, but that work can still be done to harmonize and advance these objectives. If confirmed, I commit to working with this committee, Congress as a whole, and the public on these important goals. I will work very hard to leverage this Nation's environmental policies and technologies to grow our American economy while ensuring that every American has clean air, clean water, and clean land.

Chairman Capito, Ranking Member Whitehouse, thank you again for the opportunity to appear before you today. I look forward to answering your questions and working with you on these important issues, should I be confirmed.

[The prepare statement of Ms. Scarlett follows:]

Senator Capito. Thank you.

Mr. Hall?

STATEMENT OF JEFFREY HALL, NOMINEE FOR ASSISTANT ADMINISTRATOR FOR THE OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE AT THE ENVIRONMENTAL PROTECTION AGENCY

Mr. Hall. Good morning, Chairman Capito, Ranking Member Whitehouse, and distinguished members of this committee. It is my honor to appear before you today as President Trump's nominee for Assistant Administrator for the Office of Enforcement and Compliance Assurance at the Environmental Protection Agency.

I want to thank President Trump for the confidence he has placed in me and Administrator Zeldin for his support of my nomination.

I am joined today by my wife and parents. I want to thank my family and those who have supported me in prior roles and now in my nomination. I want to specifically thank my wife, who has supported me through public service and career transitions, with all of the attendant challenges, while raising our three children. Our third was born less than two weeks before I began at EPA, so her sacrifice has made this all possible.

I want to thank God for his faithfulness. I would not be here were it not for His providence in blessing me with this opportunity and immeasurably greater grace.

My career began with public service, and I have spent most of it as a civil servant. I have now served across four presidential administrations, primarily in the Department of

Justice.

Even before I began my career, I anticipated that a substantial portion of it would be public service. My father was a career civil servant for 50 years. While growing up, I was interested in science and wanted to use it to protect America, though I never envisioned doing so at EPA.

Through my studies in public policy and then in law school, I began thinking seriously about optimal regulatory enforcement, though I never thought I would oversee it. I have now spent over a decade handling Federal enforcement cases and defending Federal agency action. Through this, I have reflected on the meaning of public service. It is an honorable enterprise when undertaken with the right motives, as many who spend their careers thanklessly improving this Nation demonstrate.

But exercising Federal power is a great responsibility. As a prosecutor, I sought to take people's freedom and property by force of law. In defending clients, I have seen the human cost of weaponized prosecution. And there is no shortage of necessary but difficult tasks left undone in government.

I therefore understand the great weight of responsibility placed before me through this nomination. I bring the broad background of my experience in civil and criminal enforcement and in environmental law to EPA's enforcement office.

I had the privilege of already serving as the acting head

of that office before my nomination. From the start, I told everyone that we would continue to enforce the law, holding bad actors accountable while promoting compliance and cooperative federalism.

The skilled and dedicated staff at EPA have the knowledge and expertise to accomplish this. At the same time, I recognize the valid concerns about the priorities of the previous administration that distracted from and undermined the core work of enforcing the environmental laws that Congress has passed.

But now, there is tremendous opportunity to oversee a great American comeback, and EPA enforcement is a critical piece of that strategy. As President Trump works to bring industry back to America and reestablish energy dominance, we must ensure that third-world pollution does not follow. We are still paying the price of America's first, unrestricted industrialization in Superfund sites around the Country that burden the public fisc. Also, we must prevent foreign entities from sending toxins here and profiting off of destroying America.

Federal enforcement is necessary to vindicate the distinctly Federal interests and protect these United States, even as we empower States to protect their own citizens. To reorient environmental enforcement toward this positive vision, if confirmed, I will ensure that EPA enforcement will be guided by noble values. There will be clarity as we identify the best

reading of statutes and regulations. There will be visibility into our decision making as we revise old policies.

There will be consistency across the regions and with the rule of law and the constitutional structure. We will achieve efficiency by focusing on clear violations while refusing to procrastinate on difficult decisions. And, if confirmed, I will ensure there is accountability for each official to embody these values.

I have had the opportunity to visit some of your States and regions since joining EPA, and I have greatly appreciated the opportunity to learn about unique challenges facing each through discussions with you and your staff and State regulators. And I reaffirm my desire to enforce the environmental laws. I want to keep my children healthy and leave them a clean environment and a bright future.

Thank you, Chairman Capito and Ranking Member Whitehouse, for the opportunity to testify today. I look forward to our discussion and welcome any questions committee members may have.

[The prepared statement of Mr. Hall follows:]

Senator Capito. Thank you. Before I begin my questions, I just have three yes or no questions standardly. So I am going to ask these, and if you could both respond.

Do you agree, if confirmed, to appear before the 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. Hall. I do.

Ms. Scarlett. Yes.

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

Mr. Hall. I do.

Ms. Scarlett. Yes.

Senator Capito. Thank you.

And 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. Hall. No.

Ms. Scarlett. No.

Senator Capito. Good. Okay.

I am going to start with questions, and I am going to start

with Katherine Scarlett first. You have held significant positions in the Federal Government relating to NEPA. So you know this well, and permitting processes. In each of these roles, you have developed experience of what is working and what isn't.

So, given your expertise, what has motivated you to take on this role, and how has your past experience prepared you for this?

Ms. Scarlett. Thank you for that question, Chairman Capito.

I was excited to take on this role mainly because all three branches of the Federal Government recently have indicated that the NEPA process is broken and needs to be reformed. As I stated in my opening statement, I have spent nearly the last decade working on the interagency process and trying to get the environmental review process more efficient and more timely.

So given the directive of Congress, I wanted to return to CEQ so that I could faithfully implement those amendments to the National Environmental Policy Act.

Senator Capito. Well, I think the response of all three branches being dissatisfied with where we have been and where we are, we need certainty more than anything. And I know with you at the helm, we can get some of that.

Let me ask you a subsequent question. In Division C, Title

3 of the Fiscal Responsibility Act of 2023, Congress passed the first large-scale bipartisan changes to NEPA in almost 30 years. However, it is widely viewed that the previous administration did not faithfully implement the changes in NEPA included in Division C Title 3 of that law.

As members in both chambers and both political parties continue to seek reforms to support more efficient environmental reviews, will you commit to faithfully implementing, this is important, I think, to everybody on both sides of the dais here, any additional permitting and environmental review reforms passed into law consistent with the statutory language and the intent of Congress?

Ms. Scarlett. Yes, Chairman, I do commit to faithfully implementing any new provisions passed by Congress.

Senator Capito. Thank you.

Mr. Hall, my Ranking Member took you to task pretty good in his opening statement, I would say. But one of the statements that he made I just wanted to give you a chance to respond. He mentioned that your wish would be for it to make it easier for the polluters to pollute. Is that a true statement, in your opinion?

Mr. Hall. Thank you, Chairman, for the opportunity to respond to that. And I appreciated the opportunity to meet with you earlier.

No, that is not a true statement. As I mentioned in my opening statement, first day on the job, well, the second day I actually had an all staff meeting with all of OECA and told them that it was my goal to continue to enforce the law and that we would continue to enforce it, and I think the record bears that out.

The administrator, when he had his hearing on the budget, was able to share some statistics that show that OECA and EPA have continued to enforce the law. So I am happy to get into those, but I think they show, for instance, on civil case conclusions, that there are far more in the time of this administration than the previous time of last year.

And on the criminal side, there are also some very compelling statistics that show there have been four more case conclusions, including sentencing and criminal penalties during the time of this administration.

Senator Capito. Yes. Let me ask you about the Superfund cleanups, because you mentioned this in your opening statement, and how to improve, we have spent a lot of time trying to improve the CERCLA implementation. We have some Superfund sites in our, you mentioned, they are on the books, I am sure you do, too, on the books for years and never quite seem to get there.

Will you have a direct role in negotiating these agreements? How would you approach the use of these tools to

accelerate our cleanups?

Mr. Hall. Yes, thank you, Chairman. So, Superfund enforcement is a priority of this administration, of the administrator, of the deputy administrator on down to me when I was the acting assistant administrator and if confirmed, would continue to be a major priority of my tenure. So I think that we would use all the tools available.

I know that this committee had a hearing not too long ago on Superfund and Superfund enforcement where some of those tools were discussed, including various agreements like mixed funding agreements. So I think that we would continue to use all the tools available and push it forward.

I know the Office of Land and Emergency Management has a goal of expediting cleanup, and my commitment would be for OECA to be right there with them, increasing the pace of remediation and making sure that the Superfund program is funded through appropriate and aggressive enforcement.

Senator Capito. Coming from a State much like Ohio, where we were basically major parts of the industrial revolution, major manufacturing sites, that now have gone dormant, and are really ripe for economic development but cannot get through the environmental, the Superfund, if they have been designated, this is extremely important to really the heartland of the Country that powered this Nation and really brought us to where we are

today to be able to part of the new revolution of technology and other things that are coming and advanced manufacturing.

So I appreciate your attention, and I will now turn to the Ranking Member.

Senator Whitehouse. I am running late for a meeting with the leader and with the delegation from Great Britain, so I am going to have to ask my questions via QFR. Mr. Hall, I hope you will be responsive and provide the documents that I request, particularly regarding the investigation into GEO, which on its face appears to be a service provided to a significant Trump donor that previously employed the Attorney General.

So documents that explain how and why that decision was reached, emails between EPA and the White House and DOJ I think are all relevant to dispelling what seems to be the most evident Occam's razor conclusion about what took place here, which is that a political favor was delivered to a significant campaign donor and former employer of the Attorney General. Thank you.

Senator Capito. Well, if I had known, you could have gone first. I am sorry.

Senator Whitehouse. That is all right. I should have told you.

Senator Capito. Senator Curtis?

Senator Curtis. Thank you, Chair. It is great to be with you today.

I think it is fair to say CEQ and EPA play a pretty significant role in what is happening in Utah, particularly with energy development. Thank you both for taking the time to come see me in my office.

Ms. Scarlett, I will begin with you. A little bias, you came to the U of Utah, we feel a connection with you. Mr. Hall, don't try to beat that.

[Laughter.]

Senator Curtis. But I also feel like CEQ touches directly on some really urgent priorities for Utah, and I will start with wildfire management. We are experiencing, the west is experiencing, just the whole places feels like it is on fire. Interagency cooperation is just really critical. I am really proud to work with my colleague, Senator Padilla, on the Fix Our Forests Act, which emphasizes this interagency cooperation.

In your role at CEQ, how can you ensure that there are no lapses in communication or responsibility among the Federal agencies, particularly when it comes to wildfire mitigation?

Ms. Scarlett. Thank you for the question, Senator, and thank you for the meeting. I really enjoyed our conversation, I think it was just last week.

CEQ at its core is about interagency coordination, which is a very complicated process and it doesn't always go the way it is supposed to. But I am dedicated and committing to make sure

that in this administration the agencies are communicating actively in person and virtually at all levels of the administration from down in the field up into the headquarters offices, and any role that CEQ can play in ensuring that that process goes smoothly, we will absolutely be doing so.

Senator Curtis. Thank you. And I would point out, particularly when it comes to a wildfire, it is so time sensitive, decisions that are made are very, very time sensitive.

Ms. Scarlett. Absolutely.

Senator Curtis. In my capacity as chair of the Subcommittee on Chemical Safety, Waste Management, Environmental Justice and Regulatory Oversight, I also have the jurisdiction over CEQ and by extension, NEPA. I would like to be really clear: Utahans, whose communities are rapidly expanding and whose economy depends on predictable, timely decisions, NEPA delays are devastating and very frustrating. They create unnecessary barriers for everything from housing to infrastructure, energy development.

Can you talk about what steps you will take to ensure all agencies involved have actually the right technology and capacity to make timely decisions?

Ms. Scarlett. Absolutely. Thank you for the question, Senator.

We are actively working with agencies on updating their agency-specific NEPA procedures to be responsive to the directive from Congress and the Fiscal Responsibility Act amendments. Specifically, Congress imposed a two-year time limit for EISs, a one-year time limit for EAs. So we are working to establish a very disciplined process with the agencies, so that they can achieve those timelines.

Senator Curtis. Thank you.

Mr. Hall, thank you also for visiting my office. Utah is very grateful to the administrator. Please pass on our appreciation for his interest in our issues there, his visit and engagement have been really significant.

As you know, we have these very unique air quality challenges in Utah, especially in regions where we have these basins like the Uinta Basin, where ozone issues are very complex. They are not just as simple as they are in other places.

And I believe the oil and gas producers in Utah have really stepped up. They have tried to mitigate these as much as they can, and oftentimes they have used innovation or ways to deal with this that have not been recognized by the previous administration, and in some cases, actually penalized.

So if confirmed, how do you plan to recognize and support producers who are proactively using innovation in ways to

accomplish this that haven't fit necessarily in the exact squared boxes?

Mr. Hall. Thank you, Senator, for that question. Because it is one of the main goals of this administration to advance energy dominance. So oil and gas producers are critical.

When I was acting assistant administrator, I made sure to hold them to account but also to not hinder appropriate investment in development of energy resources. That is why we put out the National Enforcement Compliance Initiative Revision, to make sure that that happened.

In terms of recognizing those unique investments, and productive ways in which they are going about complying with the law, I want to make sure that we take all of that into account. If confirmed, we would look at that and there is a couple of different ways that can occur. One is through just pushing cooperative federalism, because the States are in better position often to know exactly what is occurring on these.

So the Federal Government should not get in the way of the State dealing with those regulated communities if they are doing a good job. And that is what cooperative federalism means.

But also focus on clear violations to make sure that when you are actually going after somebody, it is an important violation that actually impacts a community, and harms it. I think focusing on clear violations that are actual significant

violations of the law is critical to making sure that the good actors like you are talking about are not unduly impacted. Thank you.

Senator Curtis. Of course, we invite both of you to Utah to come see first-hand what we are doing.

I appreciate it. I yield my time.

Senator Capito. Thank you.

Senator Schiff?

Senator Schiff. Thank you, Madam Chair.

Mr. Hall, I want to know how EPA and DOJ came to the conclusion to drop the agency's complaint against GEO, a contractor that operates the ICE facility in Adelanto, California. My staff have personally visited this facility. Because Congress has a fundamental role in conducting oversight of private entities that receive Federal contracts and awards.

During the last administration, EPA found that the company had violated the law 1,137 times by failing to provide employees with personal protective equipment. The pesticide chemical known as HALT comes with a warning that says, "Causes irreversible eye damage and skin burns. Harmful if swallowed or absorbed through the skin. Do not get in eyes, on skin, or on clothing."

The private prison company was facing $4 million in fines under the Federal Insecticide, Fungicide and Rodenticide Act for

irresponsible use of a chemical disinfectant that is hazardous to human health. But your agency dropped the case. A former EPA enforcement official called the Trump administration's choice to drop the case a "complete surrender."

So I want to know what happened here. The facility is in my State, and I want to know why the EPA completely surrendered to this private prison company after a change in administration.

So let me begin with one question. Are you aware that GEO Group gave President Trump's Super PAC $1 million and contributed $500,000 to his inauguration?

Mr. Hall. Thank you, Senator, for the opportunity to address that. And Ranking Member Whitehouse raised it in my meeting with him, so I am prepared to walk through it.

I do want to say up front, I was not involved in the decision-making. It was purely an EPA case because it was an administrative case going to an administrative adjudication.

I am aware of that fact, or the general nature of those facts, not the specific dollar amounts now based on reporting by Pro Publica after the case had already been decided to be dismissed. And honestly, that is how I came to awareness of these facts.

Senator Schiff. Okay, you became, just for clarity, you became aware of this from the Pro Publica report after the decision was made?

Mr. Hall. Yes, Senator.

Senator Schiff. But do you know whether those who were involved in making the decision were aware that GEO was a major contributor to the tune of $1.5 million to President Trump or his committees?

Mr. Hall. The decision was made by career management officials and to my knowledge, they were not aware of any of those facts, nor did they enter the decision making for that case.

Senator Schiff. And do you know whether the White House had any communication with those responsible for the dismissal of the case?

Mr. Hall. I do not specifically know, but I do not believe they did.

Senator Schiff. And what is the basis of your speculation that you don't believe that they did? How would you know?

Mr. Hall. Because I have talked with the career management officials. They didn't indicate that there was any other influence, and that it was purely decided by those career management officials.

Senator Schiff. Okay, well, having talked with them, did you discuss the contribution by the company to the President?

Mr. Hall. I mentioned the fact that there was a Pro Publica article on it, and they indicated that, the career

management official making that decision indicated he was not aware of it.

Senator Schiff. So the person who made the decision to dismiss the case claimed to you that he had no knowledge that GEO was a major contributor to the President or his committees?

Mr. Hall. That is my understanding.

Senator Schiff. Well, you said you had this conversation, so I don't want to ask your understanding. Is that what this person told you?

Mr. Hall. Yes.

Senator Schiff. What is your view of the EPA dropping this case? What is the basis for this?

Mr. Hall. So, thank you, Senator, for the opportunity to discuss that, because I think it is important to be able to explain that. The career management officials that took a look at this took a look at the facts and the law. So in the law, they took a look at the legal risks including to the FIFRA enforcement program from proceeding with the case on an administrative hearing as well as the facts and the equities and they appropriately decided to dismiss it.

I think there was three, so in my understanding of just how I think about the case, I think there were three critical points. One is that the case was only about whether or not the gloves that were used by those employees were labeled

consistently with the disinfectant, not whether or not anybody was harmed. That was not part of the FIFRA administrative adjudication case.

Second, GEO Group had on its own gone out and gotten an independent laboratory to assess whether or not those gloves were protective and found that it was, and they had an expert witness willing to testify at the administrative hearing to that fact.

And three, there was an article in the National Law Review that just came out yesterday indicating that EPA enforcement has not only continued but stepped up against anti-microbial products that are mislabeled or unregistered. I think those are the ones that are harmful.

Senator Schiff. And if I could, one more question, Madam Chair. Eleven hundred thirty-seven violations. This wasn't as if there was a single episode or a single use of a glove. Over what period of time were those 1,137 violations? Doesn't that indicate a pattern and practice of willful disregard of the law?

Mr. Hall. Senator, my understanding, based on the complaint in the administrative case, and not based on anything else, is that it occurred sometime between 2021 and 2023, and that was just based on the fact that the gloves were used routinely in cleanings. And no, I don't think it demonstrates a pattern and practice of willful disregard of the law, because

again, the key question was whether or not those gloves were appropriate for use with that disinfectant.

And I think that was a contested factual issue, and I think it was appropriate that enforcement resources were not used to continue to prosecute that case.

Senator Schiff. I thank you, Madam Chair.

Senator Capito. Thank you.

Senator Schiff. I just have to say, though, that to dismiss this case in light of the vast contributions and the contradiction to the efforts that were made in the previous administration does look like a complete surrender to me. I hope you will respond to the document inquiries that were made by Sheldon Whitehouse. Thank you.

And Madam Chair, thank you.

Senator Capito. Thank you.

Senator Husted?

Senator Husted. Thank you, Madam Chair. Ms. Scarlett, to someone with Ohio ties, I have an Ohio conversation that I want to have with you regarding ozone attainment in the Cleveland area. I think you may know that in the early 1990s, Ohio implemented a program in the Cleveland area called e-check. And this is designed to do tailpipe testing to mitigate emissions that would contribute to their lack of attainment of the ozone standard.

And it is, and over time, the EPA keeps jacking up the standard, making it harder to attain. But over time, I think this is a great example of things that frustrate people about some regulations, is that it stayed place, it cost the State and the consumer $14 million a year, approximately.

And it is an example of something that maybe made sense at one time in the 1990s, has stayed on the books. Emissions from automobiles are cleaner. Many automobiles are electric these days.

Yet the program goes on. It seemingly had no impact on the standard, the attained mission standard, because Cleveland is being considered for upgrading from moderate to serious non-attainment.

And it is just an example of like, a regulation gets on the books, a program gets mandated, yet it lives through its life, it doesn't have a lot of impact on improving the overall environmental quality. Yet here it still is, $14 million more a year, the inconvenience of having it on the books.

Could you just offer some thoughts on that, and would you commit to working with us in Ohio to see if there isn't a better way to do this?

Ms. Scarlett. Absolutely. Thank you, Senator Husted. Thank you for our meeting last week as well. I love meeting any fellow Ohioans.

That matter is not necessarily within the purview of CEQ, but related, I would like to talk a little bit about NEPA and how we are kind of applying an approach to a similar statute. When NEPA was passed the world was vastly different. We have more technology, more resources, more knowledge.

So under this administration, we are working hard to take a hard look at the statute and what is required of it. In doing so, we have found agency procedures that date back to the 1980s that are layered with guidance and field memos and decision memos.

So we are really trying to work within the NEPA process to consolidate the guidance, have a clear directive that is really disciplined and follows the statute. And I think that is something the agencies across this administration are going to be looking at when it comes to regulatory reform. I am absolutely happy to be a part of any conversation that I can be helpful with to you and the State of Ohio.

Senator Husted. Well, thank you. Yes, whether it is the, whether it is a program like e-check or NEPA or other things that are just, laws, rules, regulations, compliance standards get on the books, technology changes but yet the rules and regulations remain the same, even if they don't make sense to impact the modern challenges that are before us.

So thank you for your willingness to help. I did mention

this to you in our conversation and mentioned it to you before the hearing today, I just would like your thoughts, because I hear from people in Ohio who say hey, we have Army Corps issues, three different areas. Is it possible in your role you can help us sort this out and help Ohio have one point of contact for all the issues that we interact with with the Army Corps?

Ms. Scarlett. Thank you, Senator. CEQ doesn't have any authority in terms of drawing lines for regional districts. However, I am happy to facilitate any conversations that need to happen with the Army Corps to improve the process for your State and all States.

Senator Husted. Yes. And I understand that, it is just, you do have an important role where you have, you are in the conversation about how all of these things work in our world and these are things that, when I talk to the head of the EPA in Ohio that they just bring up these problems that they expect us to sort out. I know when we are in Washington, people talk about whose jurisdiction it is. For them, they just want to get these problems fixed. So I appreciate your willingness to help us navigate it. Thank you.

Ms. Scarlett. Absolutely. Thank you.

Senator Capito. Thank you. Senator Markey?

Senator Markey. Thank you, Madam Chair.

Mr. Hall, do you commit to not allowing any enforcement

actions to be dropped or softened for political reasons? Yes or no.

Mr. Hall. I commit to following the law and the rule of law and to acting impartially in all cases including on decisions whether or not to dismiss actions.

Senator Markey. So you are saying that you will not drop any cases for political reasons, is that what you are saying?

Mr. Hall. It depends on what you mean, Senator. If you mean for policy considerations, those are absolutely appropriate to be made both in enforcement and in the regulator context. If you are talking about partiality to parties, that will not impact my decision-making.

Senator Markey. Well, obviously, very clearly, you should just be saying that our laws exist to protect our air, our water, our land, they are not optional depending on how the President feels that day for political reasons. That should be your answer. I am not hearing it.

Mr. Hall, if directed by EPA leadership or the White House to turn a blind eye to violations of environmental laws, would you comply?

Mr. Hall. Senator, again, it is going to depend on the context. If you mean a blind eye to not enforcing the law appropriately, I will enforce the law appropriately. There are many circumstances in which we enforce the law in different

ways. The core goal is to bring entities into compliance, not to just take enforcement actions for that goal.

Senator Markey. Okay. Again, this question should be a "gimme" as well, if they ask you to break the law, you just have to say no. Doesn't matter if you don't think it will ever happen. That should make it even easier for you to say that you will not do it. "No" is actually a complete sentence. There is no reason to play politics with our clean air, our clean water, our health.

Mr. Hall, will you commit to cooperating with Congress and the EPA Inspector General in any investigations of allegations of political interference, suppression of staff, findings or unlawful weakening of enforcement? Yes or no.

Mr. Hall. I will work with Congress and OIG as is lawful. Yes.

Senator Markey. And again, you should be able to easily agree to participate in investigations, especially if you are able to stand by your agency's actions.

Mr. Hall, if EPA staff resists or report inappropriate political interference in enforcement cases, would you protect your own staff from retaliation if there is inappropriate political interference in their work?

Mr. Hall. Senator, I would follow the law, including protecting them from retaliation for any unlawful reason.

Senator Markey. And that is excellent, because career EPA staff who work to protect our environment should be safe from political retaliation. Unfortunately, we have already seen that this is not the case in the Trump administration. One hundred forty-four EPA employees were recently suspended after they used their First Amendment rights to express concern that the Trump administration was politicizing the EPA and preventing it from carrying out its mission to protect public health.

Mr. Hall, do you think it was appropriate to suspend EPA employees for using their constitutional rights? Yes or no.

Mr. Hall. Senator, that is not my understanding of what happened I wasn't involved in the decision making on that. And it is also an active investigation, so I am not going to comment beyond saying that I don't think that is a fair characterization.

Senator Markey. I appreciate that, but on that, you are wrong.

Mr. Hall, if confirmed, would you follow the Hatch Act?

Mr. Hall. Yes, Senator.

Senator Markey. To be more explicit, Mr. Hall, if confirmed, would you attack Democratic lawmakers in writing using agency resources?

Mr. Hall. It is not my intention to do that, Senator.

Senator Markey. Well, unfortunately, we have already seen

that happen at Trump's EPA, since Administrator Zeldin apparently thinks being a troll through political mail is an appropriate use of agency resources. I don't see how that is a legal or efficient use of taxpayer money. I would hope that you would agree, but I know that you are not going to be able to say that publicly right now, if it did reflect your views, although I am not sure that it does.

So obviously, there is a massive politicization which is taking place at the EPA. It is going to endanger our air, our water, and our lands. We are going to see vast amounts of pollution going up into the atmosphere because of AI. There has to be 80,000 new megawatts of electricity installed every year for the next 10 years. Eighty thousand a year. And the wind and solar tax breaks have now been killed.

And unfortunately, as people move over to fossil fuels, it first won't be sufficient, and second, that which is put in place, it is just going to pollute the air and it is going to be a tax on Americans. And that tax will be in new cancers, in new asthmas that were avoidable and the EPA is going to wind up being complicit in that crime against the health of not just our planet, but the lives and lungs and health of Americans in our Country.

Madam Chair, I yield.

Senator Capito. Thank you.

Well, I mentioned it is a very busy day, and so with no further questions, I would like to thank both of you for being here and your families and all of my colleagues for participation in today's hearing.

Senators who wish to submit written questions for the record have until 5:00 p.m. Wednesday, August 6th to do so, and I believe the Ranking Member said he was going to be doing that. The nominees' responses to those questions are due back to the committee no later than 5:00 p.m. on Wednesday, August 20th and will be submitted for the record.

With that, this hearing is adjourned, and thank you both very much.

[Whereupon, at 10:55 a.m., the hearing was adjourned.]