

Senate Committee on Environment and Public Works
Hearing entitled “Hearing on the Nominations of Kathleen Hartnett White to be Member of the Council on Environmental Quality and Andrew Wheeler to be Deputy Administrator of the Environmental Protection Agency.”

November 8, 2017

Questions for the Record for Mr. Andrew Wheeler

Ranking Member Carper:

Please provide a response to each question, *including each sub-part*.

1. For decades, both Republican and Democratic administrations alike have had written policies limiting White House contacts with agencies that have investigatory and enforcement responsibilities. These policies have recognized that even a simple phone call from the White House to an agency inquiring about or flagging a specific matter can upset the evenhanded application of the law. I recently learned that Devon Energy, a strong political supporter of Administrator Pruitt’s, informed the EPA just 5 days after Mr. Pruitt was sworn in as Administrator that it was no longer willing to install air pollution technology or pay a high penalty to EPA for its illegal air emissions of cancer-causing benzene and other chemicals. We also know that Trump family casinos, hotels and golf courses have been the subject of EPA enforcement actions for violations of the Clean Air Act and Clean Water Act.
 - a. Do you agree that it is essential that in making decisions, EPA must be shielded from political influence and spared even the appearance of being subject to political influence or considerations?

I agree that it is important that EPA should be shielded from political influence, particularly in areas involving enforcement.

- b. Will you commit to restricting communications between EPA and the White House staff regarding specific matters under the authority of EPA?

I commit to restricting any inappropriate communications.

- c. Will you commit to ensuring the staff of EPA is familiar with those restrictions?

Yes

- d. Will you commit to advising this Committee within one week if any inappropriate communications from White House staff to EPA staff, including you, occur?

I commit to reporting any inappropriate communications to the pertinent authorities.

2. Recently, EPA conducted “anti-leaking” training for its employees¹. According to EPA sources, the briefing stated that “Prohibitions we will discuss do not refer to “Whistleblowing”. Agency employees have the right to make lawful disclosures to anyone, including, for example, management officials, the Inspector General, and/or the Office of Special Counsel. Employees may make disclosures to the EPA Office of the Inspector General through the EPA OIG Hotline at 888-546-8740.” This presentation evidently failed to note the rights of federal employees have to make disclosures to Congress.

5 U.S.C. § 7211, provides that: The right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied. Pursuant to 5 U.S.C. § 2302(b)(8), it is a violation of federal law to retaliate against whistleblowers. That law states: Any employee who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority ... take or fail to take, or threaten to take or fail to take, a personnel action with respect to any employee or applicant for employment because of. ... (A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation... " In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry: Whoever corruptly, or by threats or force, or by any threatening letter or communication influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due and proper administration of the law under which any pending proceeding is being had before any department or agency of the United States, or the due and proper exercise of the power of inquiry under which any inquiry or investigation is being had by either House, or any committee of either House or any joint committee of the Congress.

- a. If you are confirmed, will you commit to protect the rights of all career employees in EPA to make lawful disclosures, including their right to speak with Congress?

I will.

- b. Will you commit to communicate employees’ whistleblower rights via email to all EPA employees within a week of being sworn in?

I will ensure that the EPA employee’s whistleblower rights are communicated to them in a timely fashion.

¹ https://www.washingtonpost.com/politics/whitehouse/federal-employees-are-ordered-to-attend-anti-leaking-classes/2017/09/21/032b40d6-9edd-11e7-b2a7-bc70b6f98089_story.html?utm_term=.e2bfc5e54d95

3. In the wake of Hurricane Irma, at least 11 deaths and numerous injuries have been reported in Florida due to accidental carbon monoxide poisoning from gasoline-powered portable generators.² One additional death has also been reported in North Carolina, along with other injuries throughout the Southeastern United States.³ Many of these deaths and injuries could have been prevented had stronger safety standards been in place for portable gasoline generators. In November 2016, the U.S. Consumer Product Safety Commission (CPSC), following years of work on the issue, voted to issue a Notice of Proposed Rulemaking (NPRM) to implement a mandatory safety standard for portable generators.⁴ Since then, Administrator Pruitt and Acting CPSC Chairman Buerkle have separately opined that section 213 of the Clean Air Act precludes CPSC action.
 - a. Section 213 of the Clean Air Act is intended to regulate emissions from non-road engines or vehicles when the EPA determines that such emissions “are significant contributors to ozone or carbon monoxide concentrations in more than 1 area which has failed to attain the national ambient air quality standards for ozone or carbon monoxide.” In your opinion, would the occasional indoor use of portable generators following a power outage be likely to be a significant contributor to ambient carbon monoxide concentrations in more than 1 area that has failed to attain the national ambient air quality standards for carbon monoxide? Why or why not?

I am unaware of the specifics of this issue and would be reluctant to comment on an ongoing issue in the event that I would be participating in a final agency determination.

- b. There are currently no areas in the United States that have failed to attain the national ambient air quality standards for carbon monoxide, and this has been the case since 2010⁵. As a matter of law, could section 213 of the Clean Air Act be used to regulate carbon monoxide emissions due to the indoor use of portable generators if there are no areas in the United States that fail to attain the national ambient air quality standards for carbon monoxide? Why or why not?

I am unaware of the specifics of this issue and would be reluctant to comment on an ongoing issue in the event that I would be participating in a final agency determination.

² <http://www.miamiherald.com/news/weather/hurricane/article174097351.html> <http://www.sun-sentinel.com/news/weather/hurricane/sfl-carbon-monoxide-deaths-20170914-story.html>

³ <http://www.charlotteobserver.com/news/article173612361.html>

⁴ <https://www.federalregister.gov/documents/2016/11/21/2016-26962/safety-standard-for-portable-generators>

⁵ <https://www.epa.gov/green-book/green-book-carbon-monoxide-1971-area-information>

4. Your ethics agreement states that you “for a period of one year after my resignation, I also will not participate personally and substantially in any particular matter involving specific parties in which I know the firm is a party or represents a party, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d). In addition, I will not participate personally and substantially in any particular matter involving specific parties in which I know a former client of mine is a party or represents a party for a period of one year after I last provided service to that client, unless I am first authorized to participate, pursuant to 5 C.F.R. 2635.502(d).”
- a. Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek authorization to participate.

I will rely on the guidance from EPA’s career ethics officials to determine any issues for which I am to be recused. I do not anticipate seeking a waiver, and if I do I will make these waivers public.

- b. 5 C.F.R 2635.502(a) states that:

“where an employee knows that a particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter, the employee should not participate in the matter unless he has informed the agency designee of the appearance problem and received authorization from the agency designee in accordance with paragraph (d) of this section.”

Do you agree that you or your firm’s representation of clients in particular matters that are before EPA would cause a reasonable person with knowledge of the relevant facts to question your impartiality if you are confirmed and continue to participate either in the particular matter itself or in an administrative action designed to accomplish the identical outcome the particular matter was intended to accomplish? Why or why not?

I will rely on the guidance from EPA’s career ethics officials to determine any issues for which I am to be recused. I do not have any financial interests in any of my current or former clients. I commit to severing my relationship, including all financial interests, with my firm at the time of my departure.

5. Do you intend to seek a waiver to participate in non-public meetings with your former clients or your firm's clients if you are confirmed? If so, please list which clients you intend to seek such waivers to meet with and explain why this would not cause a reasonable person with knowledge of the relevant facts to question your impartiality in the matter at hand.

I do not plan to seek any waivers, and if I do I will make those waivers public.

6. On February 28, 2017, President Trump directed EPA and the Army Corps to review and possibly rescind or repeal the Clean Water Rule in Executive Order 13776. EPA recently ended the public comment process on the first step of a two-step process to repeal the rule and replace it with a rule that will protect far fewer sources of drinking water. Individuals with first-hand knowledge of the process EPA utilized to prepare its have informed my staff that:

- i) When EPA first submitted the proposed repeal rule to OMB, the draft stated that the agency would undertake a new cost-benefit analysis as part of the second step of its process.
- ii) OMB interpreted EPA's first proposal to mean that the rule's repeal would not avoid any costs to industry or have any economic impact at all. EPA's political staff then directed the career staff to undertake a new economic analysis. In response to this direction from OMB, EPA career staff reportedly changed the table included in the 2015 rule to a) reflect 2016 dollars instead of 2014 dollars, b) convert "annual costs incurred" under the Clean Water Rule to "annual costs avoided" due to its repeal and c) convert "annual benefits gained" under the Clean Water Rule to "annual benefits forgone" due to its repeal. This new table was sent to OMB on June 8, 2017.
- iii) OMB correctly concluded from EPA's June 8 submittal that repealing the rule would cost more in lost benefits than it would save industry in compliance costs. On June 13, 2017, presumably to avoid such an admission on the part of EPA, EPA career staff were verbally directed by political staff to solve this 'problem' by simply deleting the majority of the benefits of the rule from the table and re-submitting it to OMB, which they did⁶.

⁶ https://www.epa.gov/sites/production/files/2017-06/documents/economic_analysis_proposed_step1_rule.pdf See Table 1

The direction that was reportedly provided to the EPA career staff to make the various revisions to what was submitted to OMB was verbal, not written.

- a. If you are confirmed, do you commit to ensure that career staff at EPA will receive appropriately documented, rather than verbal, direction from political officials before they take action? If not, why not?

I will always seek to provide my directions clearly in writing.

- b. You said in the hearing that it would be wrong to direct career staff to break the law. Assuming that the events described to my staff occurred as described (and understanding that you don't have any specific knowledge about these events), is it your view that this may have been an instance in which career staff were directed to break the law? Why or why not?

I do not have any specific knowledge of these events and considering the process is still ongoing believe it would be inappropriate for me to comment on this particular situation.

7. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

I do.

8. Recently, EPA announced that Administrator Pruitt would be publishing brief summaries of his calendars biweekly, after dozens of Freedom of Information Act requests for this information as well as a March request by me and my colleagues that he do so. During the Obama Administration, the Administrator, regional Administrators and all those serving in confirmed roles published their calendars daily⁷. If you are confirmed, will you commit to publishing your calendars daily? If not, why not?

I will commit to providing my calendar in a timely manner.

9. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.⁸ During an exchange with Senator Gillibrand during Administrator Pruitt's confirmation hearing before the Environment and Public Works Committee, he stated, "I believe that the EPA, because of the *Mass v. EPA* case and the endangerment

⁷ <https://yosemite.epa.gov/opa/admpress.nsf/Calendars?OpenView>

⁸ <https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean>

finding, has obligations to address the CO2 [carbon dioxide] issue.” Do you agree with Administrator Pruitt’s statement? Why or why not?

I do.

10. In December 2007, President Bush’s EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, “The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare... Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change.”⁹ Do you agree with these statements? Why or why not?

I believe that climate change is real and that humans have an impact on the climate.

11. The Rule of Law Defense Fund is an affiliate of the Republican Attorneys General Association. Have you ever contributed any money or time to the Rule of Law Defense Fund? If so, please provide details.

No.

12. In the *White Stallion Energy Center v. EPA*, February 2012, industry argued, “the record does not support EPA’s findings that mercury, non-mercury HAP metals, and acid gas HAPs [hazardous air pollutants] pose public health hazards.”¹⁰ Do you agree with this statement? Why or why not?

I am unfamiliar with the particulars of this case.

13. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, “Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain... The damage it [methylmercury] causes to an individual’s health and development is permanent and irreversible. ... There is no evidence demonstrating a “safe” level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health.”¹¹

⁹https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf

¹⁰ <https://www.cadc.uscourts.gov/internet/opinions.nsf/284AC47088C07D0985257CBB004F0795/%24file/12-1100-1488346.pdf>

¹¹ <https://www.epw.senate.gov/public/cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcb30/01AFD79733D77F24A71FEF9DAFCCB056.41712hearingwitness testimony paulson.pdf>

- a. Do you agree with the American Academy of Pediatrics' finding on the importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

I am not familiar with the specific findings of the Academy but I am familiar with health concerns involving mercury and worked in the Senate to try and pass Clear Skies which would have addressed mercury pollution.

- b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

I agree that mercury pollution is harmful but I understand the Supreme Court raised concerns about the Agency's cost benefit analysis.

- c. Do you agree it is currently difficult to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not? If these costs cannot be calculated, are the risks still real?

I believe it is difficult to monetize benefits and that the agency must use all available tools to do so.

14. The US Supreme Court has expressly declined to consider whether EPA should have chosen some other mechanism "under section 112" in regulating power plant mercury and all the other HAPs emitted by the industry. What is your position on that precedent?

If confirmed, I will work with the career staff at the Agency to determine the best course of action to protect the public from the health impacts of mercury.

15. Do you agree that the EPA's recent consideration of the costs of the Mercury and Air Toxics Standards Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?

This case is still active before the agency and it would be inappropriate to prejudge the issue without a complete briefing from the career staff at EPA.

16. The Edison Electric Institute (EEI), the association that represents all U.S. investor-owned electric companies, has told my staff that, to its knowledge, all of its member companies have fully implemented the Mercury and Air Toxics Standards Rule. EPA staff has reported to my staff something similar. The Mercury and Air Toxics Standards Rule protects our children from harmful mercury and air toxics pollution; and by industry accounts is already being met with technology that is already bought, paid for and running on almost all our power plants.

- a. Do you dispute reports that nearly all covered facilities are already in compliance with the Mercury and Air Toxics Standards? If so, please explain.

I do not have any particular knowledge as to the compliance status.

- b. According to a recent report by Bloomberg New Energy Finance Report and the Business Council for Sustainable Energy, “consumers now pay 3% less per kilowatt-hour for electricity than in 2007.”¹² This means the near universal compliance of the Mercury and Air Toxics Standards Rule has been achieved without significant impacts to electricity reliability or affordability, in fact electricity prices have gone down. Do you agree? If not, why not?

There are many factors that have impacted the cost of electricity since 2007.

- c. Even though industry has achieved near universal compliance with the Mercury and Air Toxics Standards and electricity prices have gone down, not up, Administrator Pruitt is currently reviewing whether it is “appropriate and necessary” to issue the standards in the first place. Do you agree that the EPA should be conducting this review, and if so, why?

These issues were the subject of a Supreme Court decision and have ramifications on other EPA rulemakings going forward so they must be addressed.

- d. If the EPA determines the agency has not met the “necessary and appropriate” criteria found in Section 112(n), and revokes the Mercury and Air Toxics Standards Rule, what does that mean for all the pollution control technology that has been bought, paid for and running on our power plants that is helping the industry be in full compliance of the rule?

This case underscores the necessity for the Agency to always follow the law.

¹² <http://www.bcse.org/wp-content/uploads/2017-Sustainable-Energy-in-America-Factbook-Executive-Summary.pdf>

17. Section 109 of the Clean Air Act is very clear. It requires EPA to review the NAAQS for six common air pollutants including ground-level ozone, particulate matter, sulfur dioxide, nitrogen dioxide every 5 years. The Clean Air Act requires EPA to set these standards that "are requisite to protect the public health," with "an adequate margin of safety," and secondary standard necessary to protect public welfare. Please respond to each sub-part below:

- a. If confirmed, will you continue to hold to the five-year National Ambient Air Quality Standards review time period that the Clean Air Act requires of the EPA?

I believe the five year review is important to maintain and will seek to follow the law.

- b. Do you agree with Justice Scalia's opinion in *Whitman v. American Trucking Associations* that it is "fairly clear that [the Clean Air Act] does not permit the EPA to consider costs in setting the standards"? If you do not agree, why not?

I agree with Justice Scalia.

- c. Do you agree that the Trump Administration's November 6, 2017 announcement that "the Clean Air Act requires EPA to issue designations [for non-attainment areas] no later than 2 years after the agency sets a new National Ambient Air Quality Standard or revises an existing standard. The Administrator may extend this deadline up to 1 year, if there is insufficient information to designate areas by the 2-year deadline"¹³ is accurate? If not, why not?

I believe this is a correct statement of the law.

- d. Do you agree that the agency set a new National Ambient Air Quality Standard for ozone on October 1, 2015¹⁴, as was also stated in the Trump Administration's November 6, 2017 announcement? If not, why not?

I agree.

¹³ https://www.epa.gov/sites/production/files/2017-11/documents/fact_sheet_for_final_ozone_designations_round_1.pdf

¹⁴ <https://www.epa.gov/ozone-pollution/2015-revision-2008-ozone-national-ambient-air-quality-standards-naaqs-supporting>

- e. Do you agree that the November 6, 2017 announcement by the Trump Administration stated that “EPA is not extending the time provided under section 107 of the Clean Air Act [to designate non-attainment areas] but is not yet prepared to issue designations”?

I am not familiar with the specifics of the November 6, 2017, announcement.

- f. Do you agree that the Trump Administration has failed to comply with the Clean Air Act by failing to designate ozone non-attainment areas by October 1, 2017 while also choosing not to extend the deadline for such designations to be made?

I believe it is important to meet all statutory deadlines.

- g. If confirmed, will you commit to not further delay the implementation of the 2015 ozone NAAQS? If not, why not?

I believe it is important to meet all statutory deadlines.

- 18. Do you agree with President Trump’s decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

I do agree with the President’s decision.

- 19. In part of his justifications for withdrawing from the Paris Climate Agreement, President Trump stated the Paris Accord could, “cost America as much as 2.7 million lost jobs by 2025 according to the National Economic Research Associates (NERA).”¹⁵ This economic statistic and others linked to the NERA study were also distributed in White House materials as reasons the President was deciding to withdraw from the Paris Accord. Soon after the President’s speech, NERA stated, “In a set of talking points distributed by the White House in conjunction with its announcement of the US withdrawal from the Paris Agreement, the Trump Administration selectively used results from a NERA Economic Consulting study, “Impacts of Greenhouse Gas Regulations on the Industrial Sector.” ... Use of results from this analysis as estimates of the impact of the Paris Agreement alone mischaracterizes the purpose of NERA’s analysis, which was to explore the challenges of achieving reductions from US industrial sectors over a longer term. Selective use of results from a single implementation scenario and a single year compounds the mischaracterization.”¹⁶

¹⁵ <https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord>

¹⁶ <http://www.nera.com/news-events/press-releases/2017/nera-economic-consultings-study-of-us-emissions-reduction-polic.html>

- a. In light of the NERA statement, do you think the President misspoke when he wrongly cited information from the NERA study in his Paris speech? If not, why not?

I am not familiar with the specific citations to the NERA study.

- b. If confirmed, will you commit that you will not distort the NERA study – or any other economic study - to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

My goal would be to not distort any scientific or economic analysis.

- c. After the President’s Paris Climate Accord speech, MIT’s Joint Program on the Science and Policy of Global Change issued a statement stating the President’s characterization of their analysis of the Paris Accord to be misleading.¹⁷ If confirmed, will you commit that you will not distort the climate science studies to justify the U.S. withdrawing from the Paris Climate Accord or to justify the elimination or delay of climate policies?

My goal would be to not distort any scientific or economic analysis.

20. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Absolutely, I worked closely with several Oklahoma tribes during my tenure in the Senate and look forward to enhancing and expanding these important relationships, if confirmed.

21. An article¹⁸ about the President’s decision to leave the Paris Climate Agreement in Inside Climate News stated that “Other hardliners include Murray Energy’s chief executive Robert Murray and his coal company’s lobbyist, Andrew Wheeler, who helped enlist Pruitt to talk to the National Mining Association before it joined the rejection lobby.” Is this excerpt accurate? If so, please describe the manner in which you helped “enlist Pruitt to talk to the National Mining Association” and provide any documents you prepared or received that are related to this effort. If not, please describe the inaccuracies.

¹⁷ <http://news.mit.edu/2017/mit-issues-statement-research-paris-agreement-0602>

¹⁸ <https://insideclimatenews.org/news/05052017/paris-agreement-climate-change-donald-trump-jared-kushner-steve-bannon-clean-power-plan>

I do not recall any role in enlisting Administrator Pruitt to speak at NMA.

22. Please provide me with a copy of the following presentations that are listed in the materials you sent the Committee: **Attached are the available presentations as noted.**
- a. How to Conduct Congressional Oversight (2017) [**a copy of handouts used**]
 - b. Preparing for the New Administration (2017) [**no materials available**]
 - c. The Air Up There: Developments and Opportunities for Clean Air, Coal, Energy and Climate (2016) [**no materials available, agenda attached**]
 - d. Preparing for the Change in Administration (2016) [**a copy of handouts used**]
 - e. Focusing on What Really Should be Debated: The Cases of Boiler MACT, Utility MACT and CSPAR (2012) [**copy of Powerpoint attached**]
 - f. The Waxman-Markey American Clean Energy and Security Act: Cap-and-Trade (2009) [**copy of Powerpoint attached**]

23. Earlier this year, the fiscal year 2018 budget proposal¹⁹ submitted to Congress sought to eliminate the \$20 million in funding the EPA provides for the Justice Department's Environment and Natural Resources Division. EPA has historically provided about 27 percent of that office's budget. Do you support such a reduction in funding? Please provide your reasoning and any information you have supporting your answer.

If confirmed, I will implement the appropriations levels provided by Congress.

24. Since 1987, how much funding has been provided to ENRD by EPA? How much money has DOJ secured through fines, penalties, and commitments to remediate contamination and pollution during this same time period?

I am unfamiliar with and do not have access to this type of information at this time.

25. In September, the EPA Inspector General issued a report titled "EPA's Distribution of Superfund Human Resources Does Not Support Current Regional Workload." It concluded, among other things, that one of the impediments to progress in cleaning up Superfund sites is lack of adequate EPA staff. Do you agree with and accept the conclusions of the IG in this regard? If not, why not?

I am unfamiliar with the IG report and any responses by the Agency. I do believe it is important to provide adequate resources to the Superfund program in order to speed up the current pace of cleanups. If confirmed, I will implement the appropriations levels provided by Congress.

¹⁹ <https://www.documentcloud.org/documents/4061910-EPA-Superfund-reimbursements-to-DOJ-documents.html#document/p7/a378119>

26. The Administration’s budget request proposes to reduce the size of EPA’s workforce by approximately 3000 Full Time Employees (FTEs) in FY 2018, including just under 600 FTEs in the Superfund program. Administrator Pruitt has stated that he would like to greatly accelerate the cleanup of hazardous waste sites, in particular Superfund sites. Do you believe that reducing the Superfund workforce by 23 percent will accelerate or reduce the pace of cleanups at Superfund sites across the country?

If confirmed, I will implement the appropriations levels provided by Congress. However, I do believe that programs can always be made more effective and efficient.

27. This country just suffered three unusually intense hurricanes in quick succession – including one in your home state of Texas and one that has left the majority of Puerto Rico without electricity and water for weeks. Over 137 wildfires have raged in the West, costing hundreds of billions of dollars in damages and dozens of lost lives. Two weeks ago, the Trump White House released a final (i.e., not draft, as was inaccurately asserted at the hearing) report²⁰ that concluded that, quote, “it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century.” The report also documented increases in sea levels, heatwaves, wildfires, and flooding, and said that, quote, “Changes in the characteristics of extreme events are particularly important for human safety.”

a. Do you accept the evidence that carbon dioxide pollution is causing the earth to warm, that human activity is responsible for that warming, and that with increased warming comes an increased frequency and intensity of extreme flooding, hurricanes and wildfires? If not, please fully document the basis for such rejection.

Although I am not from Texas as the question states, I do believe that the climate is changing and that humans have an impact on the climate.

b. Do you agree with the report’s conclusion that “it is extremely likely that human activities, especially emissions of greenhouse gases, are the dominant cause of the observed warming since the mid-20th century?” If not, please fully document the basis for your disagreement.

I do believe that the climate is changing and that humans have an impact on the climate.

²⁰ <https://science2017.globalchange.gov/>

- c. Do you agree with the report's documentation that demonstrated increases in sea levels, heatwaves, wildfires, and flooding? If not, please fully document the basis for your disagreement.

I do believe that the climate is changing and that humans have an impact on the climate. I have not had an opportunity to review the report's documentation.

28. The CO2 Coalition²¹ is a group that promotes misinformation about climate science. In February of this year, Ms. White spoke on a panel hosted by the CO2 Coalition. There she described the CO2 Coalition as, a "very, very meaningful source [of information]," and said that she is "very hopeful because of organizations like the CO2 Coalition." The group also produces 30 second cartoons extolling the virtues of increased levels of CO2 in the atmosphere²². Do you agree with Ms. White's statements, and do you agree that the CO2 Coalition is a meaningful source of information on climate change? If not, why not?

I am not familiar with the coalition.

29. Can you name one Clean Air Act regulation that was promulgated by the Obama Administration – not a voluntary or grant program – that you do support, and why?

To the best of my recollection I only worked in opposition to two Clean Air Act regulations during the Obama Administration, MATS and CPP. I did not fully review any of the other regulations and therefore cannot provide an opinion on them.

30. Are there any other EPA regulations – not a voluntary or grant program - that are on the books today that you support? If so, which ones?

There are relatively few EPA regulations that I did not support over the years.

²¹ <http://co2coalition.org/>

²² <https://youtu.be/5Oapr4fopul>