

THE NOMINATIONS OF BRENDA MALLORY TO  
BE A MEMBER AND CHAIR OF THE COUNCIL  
ON ENVIRONMENTAL QUALITY AND JANET  
McCABE TO BE DEPUTY ADMINISTRATOR OF  
THE ENVIRONMENTAL PROTECTION AGENCY

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HEARING  
BEFORE THE  
COMMITTEE ON  
ENVIRONMENT AND PUBLIC WORKS  
UNITED STATES SENATE  
ONE HUNDRED SEVENTEENTH CONGRESS  
FIRST SESSION

MARCH 3, 2021

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ONE HUNDRED SEVENTEENTH CONGRESS

FIRST SESSION

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**WEDNESDAY, MARCH 3, 2021**

U.S. SENATE,  
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,  
*Washington, DC.*

The committee, met, pursuant to notice, at 10 a.m. in room 562, Dirksen Senate Office Building, Hon. Thomas R. Carper (chairman of the committee) presiding.

Present: Senators Carper, Capito, Cardin, Whitehouse, Markey, Kelly, Padilla, Inhofe, Cramer, Lummis, Wicker, Sullivan, Ernst.

**OPENING STATEMENT OF HON. THOMAS R. CARPER,  
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Good morning, everyone. I am happy to call this hearing to order.

We are gathered here today to consider the nominations of Brenda Mallory to serve as Chair of the White House Council on Environmental Quality and Janet McCabe to serve as Deputy Administrator of the Environmental Protection Agency.

We are also pleased to welcome my seatmate in the U.S. Senate, Richard Blumenthal, husband of Cynthia, who sits to my left when we gather on the Senate floor, and also welcome Representative Andre Carson, wonderful of you to come. I understand you both are going to be introducing our nominees today. We are happy you could join us.

We all know that this is a critical time in our Country's history. The American people need compassionate, steady, and enlightened leadership. Fortunately, the two nominees before us today have the expertise, the commitment, and the integrity that we need to help lead our Nation's environmental efforts and meet this moment in time.

Both nominations before us today are for particularly important roles, roles that can improve the quality of life for all Americans.

One of my mentors, the former Governor of Delaware, a Republican named Russell Peterson, actually served as the White House Council on Environmental Quality during Richard Nixon and Gerald Ford's administrations. Governor Peterson, a very wise man,

use to refer to his role at CEQ as an orchestra conductor. He said, you don't play the instruments when you are the chair of CEQ, but you do try to work to enhance and ensure that everyone is playing in harmony. Think about that. You don't play the instruments as a CEQ chair, but what you do is try to ensure that everyone is playing in harmony.

The CEQ chair coordinates action across the entire government to ensure the Federal agencies are working in harmony, that every Federal decision advances the objectives of economic growth, better public health, and stronger environmental quality.

Over the last 4 years, too often, CEQ took dangerous policy actions undermining that very missions. One example: the National Environmental Policy Act, or NEPA. As we know, NEPA calls on our Federal Government to consider the impacts on the environment and public health before taking major actions. This can inform the public about how transportation projects can impact air pollution and how Federal development decisions can affect important historic sites.

This law embodies our democratic ideals by offering the American people the opportunity to understand a proposed project and to voice their views to decisionmakers. The same principles of democracy and citizen participation enshrined in our Constitution, as it turns out, are also enshrined in NEPA.

Sadly, the Trump Administration CEQ walked away from the tenets of this 50 year-old law, so one of the many tasks ahead of the next CEQ will be to get us back on track, to harmonize our efforts to address the climate change, safeguard public health, and ensure that we are treating others the way we would want to be treated.

There are few persons as well-qualified to tackle this challenge than Brenda Mallory. Ms. Mallory is a deeply committed civil servant with extensive experience under both Democratic and Republican administrations. She is a kind, compassionate person who brings people together to find solutions.

That is exactly the kind of leader we need working to address the climate crisis and improve access to clean air and water for all Americans, while creating economic opportunities, drive opportunities, too.

We need that kind of leader at the EPA as well because we all know there's no shortage of leadership challenges facing the EPA. The agency has been damaged repeatedly over the last 4 years. Policymaking at EPA should be grounded in science.

Let me say that again: policymaking at EPA should be grounded in science. Leadership is needed there to restore scientific integrity to decisionmaking so the men and women working there every day can effectively address the climate crisis and other challenges facing our Nation and our planet. So, we need strong leadership at the EPA, and we need it without delay.

Last month, we came together and advanced Michael Regan's nomination as EPA Administrator. I want to thank my colleagues, especially the Ranking Member, for your help in doing that. I hope we will see his nomination come to the floor for a vote by the full Senate very soon.

When confirmed, Mr. Regan will need a Deputy Administrator by his side. Steady, experienced leadership is essential, and Janet McCabe will provide exactly that.

Many of us here first met Ms. McCabe when she was in a very different role at EPA. For this position though, she will have a different mandate, overseeing management of the agency's day-to-day operations. She is well-suited to meet that challenge; she has a deep understanding of the inner workings of the agency and its people and a profound commitment to their shared mission.

How is this for a good fit: nine people who previously held the role for which she is been nominated, five Democrats, four Republicans, all recommended her for the job. Think about that. Let me say that again, it is worth repeating. Five Democrats and four Republicans who have held the job for which she has been nominated have all recommended her for this job. We don't see that every day.

I am convinced that she will bring a profound dedication to public service as she works to rebuild morale, restore scientific integrity, and closely partner with States, our States, to protect the health of all of our communities.

Many of our colleagues know that I like to quote Albert Einstein, who once said, among other things, "In adversity lies opportunity." Well, we have no shortage of adversity in our Nation today, we know that. Whether it is this deadly pandemic, unemployment just beginning to show signs of improvement, or the growing climate crisis, there seems to be adversity just about everywhere we turn, but with that adversity, there's also great opportunity.

There is an opportunity for us to unite in common purpose, to join together as fellow Americans, to do great things for our planet, for our Country, and for our neighbors, whether they live around the corner, across town, or on the other side of the world.

The American people are looking to us to rise to today's challenges and turn those challenges into an opportunity for a better future. For them, for our States, and for us, let's not let them down.

With that, I want to turn to Ranking Member Senator Capito for her opening comments. Senator Capito?

**OPENING STATEMENT OF HON. SHELLEY MOORE CAPITO,  
U.S. SENATOR FROM THE STATE OF WEST VIRGINIA**

Senator CAPITO. Thank you, Chairman Carper, and thank you all for being here. Thank you, Senator Blumenthal and Representative Carson, it is nice to see you again, and I appreciate your taking the time to introduce our candidates today.

Last week, we had a very productive and positive hearing about how the committee can develop and advance a bipartisan, common sense surface transportation reauthorization bill. We heard about the importance of State flexibility and streamlining to get projects built faster, more efficiently, and to drive our economic growth. I look forward to building on that momentum of the committee and developing a bipartisan bill through the committee in regular order.

Today, we have the opportunity to speak with two nominees to environmental policy positions in President Biden's Administration

who have a great say over the path the Administration takes in that regard.

I will be questioning potential regulatory overreaches by the administration beyond the authorities granted by Congress and this committee. I know that the two candidates, both Janet McCabe, who is the nominee for the Deputy Administrator of the EPA, and Brenda Mallory, who I have just met for the first time, the nominee to serve as Chair of the Council on Environmental Quality, will have very definitive answers.

These two nominees certainly have a wealth of experience, and I certainly appreciate their willingness to serve and to go through this process as well, but, and we have talked on the phone and I appreciate the Zooms that we had, it would be no surprise to either one of them to know that some of the policy positions are causing me some concern.

This Congress, and as our Chairman noted, our first nominee in front of the committee was the Secretary Michael Regan, who is presently head of the North Carolina Department of Environmental Quality. He has been nominated to serve as the Administrator of the Environmental Protection Agency, and he came out of this committee.

What I said at our business meeting that month, I said Secretary Regan is the type of person I would like to see leading a Federal agency. He expressed a desire to work in a bipartisan manner and has a history of doing so.

This is where our paths diverged. Unfortunately, the agenda has already been set by unconfirmed officials in the Biden Administration before Mr. Regan even has his hearing. That agenda is clearly shaping up to be a repeat of the Obama administration's regulatory agenda that devastated my State of West Virginia. Both of our nominees today served in politically appointed leadership roles in that administration and supported that agenda.

In my view, that agenda means putting Americans out of work through executive orders like canceling the Keystone XL pipeline and rolling back common-sense regulations that protect our environmental while keeping our economy moving. It means promising the world that America will double down on reducing emissions while countries like China and India will get a free pass.

The part that bothers me the most on these actions is the nonchalant attitude that I felt, and many of the people that I represent felt, during those years directed at them.

According to a Politico reporter on Twitter, Gina McCarthy said at a recent event that after she saves the world from change, she will enjoy the most expensive glass of champagne I can find. She also said at an event in February that "we have to get the middle of the Country understanding and active on climate. We have to show them what resilience looks like."

I think that the people of West Virginia and the people in the middle of the Country, they know what resilience looks like. We are experts in developing our energy resources and managing our land. What we don't need is an unelected or unaccountable, really, bureaucrat telling us that they know what is best for us or looking forward to celebrating, with a toast of expensive champagne, the

policies that have caused pain in the past, and hopefully we can do better in the future.

In that past Administration, Ms. McCabe reported to Ms. McCarthy. Ms. McCabe has said the Clean Power Plan was her proudest accomplishment, and we talked about this on our Zoom call, and I appreciate that.

Let's just say I have strong feelings about the plan, as everyone on the committee knows. I led a congressional Review Act resolution to throw it out that passed our Congress, but was vetoed by President Obama. If the Clean Power Plan had been implemented, it would have imposed sweeping energy-shifting from coal and natural gas to wind and solar, preventing our gradual economic recovery from the Great Recession, a recovery that still hasn't been felt in parts of my State, thanks to some of these regulations.

The Clean Power Plan was designed not to protect the environment, but to hurt fossil energy. My State, being a large fossil energy producer, was right in the middle of it and fought the rule in court with a host of other States. It never did go into effect.

Ms. Mallory served as the General Counsel on the Council of Environmental Quality under President Obama. During that time, the Administration made no effort to modernize the decades-old regulations under the NEPA, the National Environmental Policy Act, and we talked about this in our hearing with the Governors how the permitting for transportation and infrastructure projects goes on for so long, a lot of it under the NEPA regulations, that it costs money and people abandon projects after a while.

So, President Trump's CEQ did the right thing and updated those regulations to speed project delivery. Ms. Mallory has not minced words about her views on these regulations. When asked about the Trump Administration's rule, she said, and I quote, "You almost don't have a choice but to remove the whole thing."

Her statements are not surprising, because she is presently working at the Southern Environmental Law Center. That center has challenged many critical Trump reforms that I supported, Navigable Waters, NEPA reform, Clean Water 401 reforms, and other things to try to help get more pipeline development forward.

I look forward to talking with both of you, as I know everybody on this committee will, and the vision that you have in mind. I will say, I do thank you for being willing to serve. I know it is not easy, and certainly, the EPA and environmental regulations are always very, very difficult and cut both ways.

I have shared with both of you my deep compassion for not just my State, but the economic devastation that regulation, when they are not looked at in the whole, can cause to certain areas of the Country and plunge people into poverty and into unsafe and unhealthy conditions. I know you are concerned about that as well, so let's try to find solutions together. I look forward to our nominees' testimony today, and thank you.

Senator CARPER. Thank you, Senator Capito. Senator Capito and I both hail from West Virginia, and she knows my sister and I were born near a coal-mining town named Beckley.

We didn't have a lot; we never drank champagne; many of our neighbors were coal miners. Their jobs are gone, and I want to make sure, working with her and members of this committee, that

as we move to clean up our air and address climate change, we don't leave any of them behind.

With that in my mind, I want to thank our colleagues from Connecticut, both of you from Connecticut, actually, who are here to introduce our nominees. No, Indiana. Indiana. Sorry about that, Andre.

I want to turn now to our colleague from Indiana to introduce our nominee for the U.S. Environmental Protection Agency. Where is your district?

Mr. CARSON. Indianapolis, Indiana, sir. Home of the Indy 500.

Senator CARPER. Oh, yes. That is good. We are delighted to be here to introduce our nominee for the EPA, Janet McCabe.

Do you want to go ahead and start, and then I will turn to Richard? Thank you. When I was a kid growing up in West Virginia, and later in Virginia, we used to watch, occasionally watch professional wrestling, and one of my favorite wrestlers was Andre the Giant. How tall are you?

Mr. CARSON. I am 6'4", but growing up in Catholic School, they called by Andre the Giant.

[Laughter.]

Senator CARPER. I am sure they did. Welcome, Andre. We are happy to see you. Thank you.

**OPENING STATEMENT OF HON. ANDRE CARSON, U.S. REPRESENTATIVE, STATE OF INDIANA, SEVENTH CONGRESSIONAL DISTRICT**

Mr. CARSON. Thank you. Well, good morning. I want to thank Ranking Chairman Carper and Ranking Member Capito, good to see you again, for holding this hearing.

I am extremely pleased and honored to be here to introduce Janet McCabe, President Biden's nominee to be the Deputy Administrator of the Environmental Protection Agency. I could not be more supportive of her nomination, not only because she is a fellow Hoosier who has made our State proud, but also because she has demonstrated the character and experience necessary to succeed in this very key position.

Her extensive career in environmental protection, education, and advocacy, spanning decades, reveals a consistent and passionate effort to be of service to others. She understands better than most that protecting and preserving our environment is about standing up for the most vulnerable among us. That includes children harmed by rampant pollution in their formative years, communities of color, which bear the brunt of environmental justice, struggling workers whose livelihoods are threatened by climate change, and more.

This is why her nomination has garnered praise and support from all sides of the political and ideological spectrum. Her life and career demonstrate those Hoosier values of compassion, hard work, and seeking common ground. Under her leadership, I am very confident she will help the EPA return to its core mission and to make much-needed progress in ensuring we leave our planet healthier for future generations. I look forward to working alongside her to achieve this vital goal, should she be confirmed. Thank you.

Senator CARPER. Thank you, Mr. Carson.

I will now turn to my colleague, not my roommate, but my seatmate in the Senate, Richard Blumenthal, to introduce Brenda Mallory to be the Chair of the Council on Environmental Quality. Colleague, welcome. Good to see you, thank you. Tell us about Ms. Mallory.

**OPENING STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM THE STATE OF CONNECTICUT**

Senator BLUMENTHAL. Thank you, Mr. Chairman.

I am honored and humbled to appear before you and Ranking Member Capito this morning, and thank you to my colleague, Representative Carson for being here.

I couldn't be prouder than to introduce Brenda Mallory to the committee today. I couldn't be prouder because she is the best person for this job whom I know in the entire Country, and I couldn't be prouder because she is a daughter of Waterbury, Connecticut, although she has lived in Maryland for quite a few years.

Her roots are really in Waterbury, and they reflect the values of that great city, a commitment to faith, family values, and tough work ethic, and commitment to community that really was reflected in her father, a legend, the Revered Thomas Mallory, who was so committed to caring for every individual and to bettering the community as a whole.

Brenda Mallory really epitomizes the American dream. She was fortunate to go to a private school, an all-girls school, Westover, on a scholarship, changing the trajectory of her life. She was the first in her family to go to college, Yale, and then to Columbia Law School. She is married to Mark Schneider, also a lawyer, and a former clerk for Justice Blackmun. I share that experience.

After graduating from Yale and then Columbia Law School, she spent time in private practice helping businesses and developers do the right thing in their communities, and then she worked in the Environmental Protection Agency. She spent half of her career fighting for the people of our Country, serving in both Democratic and Republican Administrations. More recently, she worked for a non-profit organization helping to advance environmental and natural resource protection.

In short, she knows these issues, environmental issues, natural resource issues, from every side, and the Ranking Member, Senator Capito, used two words: bipartisan and common sense to describe what the goals are of this committee. Brenda Mallory is bipartisan, and she has common sense in dealing with all of these issues.

Remember that Congress established the Council on Environmental Quality under the National Environmental Policy Act, NEPA, which was signed into law by President Richard Nixon, obviously a Republican. Environmental values should be bipartisan, and Brenda Mallory has lived those values without regard to partisan politics.

I would stress about her, and it may be the most important quality that any of us in public life have, that she is a listener. I know that the Chair and Ranking Member pride themselves on listening to their constituents. She listens, truly, adeptly, closely, carefully to people who have views different from hers, as well as the same. That quality, I think, is one that will stand her in good stead, along

with her commitment to coalition-building, taking people from different sides of an issue and bringing them together, and making sure that they understand each other and have a common goal.

She is committed to racial justice as well as environmental and social justice, and she will make Waterbury and Connecticut proud of her record as the Head of the Council on Environmental Quality.

I think, as I said at the outset, there is no one better in the Country to take this position of Chairman of the Council of Environmental Quality, and I am hopeful that she will have the kind of bipartisan support she deserves.

Thank you, Mr. Chairman and Ranking Member Capito.

Senator CARPER. Congressman Carson and Senator Blumenthal, those were lovely introductions.

Mr. CARSON. Mr. Chairman, votes have been called, so I have to leave, but thank you for your time, and all the best to Janet and her husband.

Senator CARPER. All right. I was just about to move the nominations, but we will let you go and do your business. Thank you so much for joining us today. It means a lot, thank you. Richard, thank you again. Great to see you. Now, we are ready to welcome our witnesses, Ms. Mallory and Ms. McCabe, to the witness table please.

Ms. Mallory, I am going to ask you to start first, and share with us your opening statement. I understand that you might have a special guest with you, and if you feel like introducing him, feel free. You are recognized. Welcome.

**STATEMENT OF HON. BRENDA MALLORY, NOMINEE TO BE A MEMBER AND CHAIR OF THE COUNCIL ON ENVIRONMENTAL QUALITY**

Ms. MALLORY. Good morning, Chairman Carper, Ranking Member Capito, and members of the committee.

Thank you for the opportunity to appear before you today as the nominee for the Chair of the Council on Environmental Quality.

It is the greatest privilege of my professional life and a blessing in my personal life that President Biden has nominated me for this important position on his environmental team. I want to thank President Biden for this nomination and for trusting me to lead CEQ.

Thanks, Senator Blumenthal, for that wonderful and kind introduction. I also want to thank the members of the committee and their staff who took the time to meet with me prior to this hearing. I thoroughly enjoyed and learned from every conversation.

Finally, I want to thank my family, friends, and colleagues for all the support and encouragement, with special gratitude to my husband, Mark Schneider, who is here with me today.

Senator CARPER. Mark, could you raise your hand? Thank you.

Ms. MALLORY. And to my three children, Rachel, Alex, and Leslie, who give added purpose to all that I do.

Since President Biden announced his intention to nominate me for this role, I have reflected on the journey that brought me to this moment and the service I can provide the American people if I am fortunate enough to gain your support and be confirmed. My humble beginnings in the city of Waterbury, Connecticut did not lead



me to expect this moment, but they did teach me that through hard work and commitment, faith and resilience, and with the strong support of family and community, the unimaginable becomes possible.

I am sorry that my parents did not live to see this moment. In their own way, they left an indelible mark through their service to family, church, and community. I sit here as an embodiment of their values.

First, I strive to bring the best I have to offer to every situation. I have always taken great pride in finding ways to make a difference wherever I am. In private practice, that meant helping my clients, companies, cities, trade associations, navigate complex Federal and State permitting processes. In government and in the non-profit sector, that has meant pursuing common ground for practical solutions.

Second, I believe in the dignity of every person. Both professionally and in my volunteer activities, I have worked to advance policies that recognize our common humanity and are designed to ensure that all people are treated with respect and can have access to clean air, clean water, and toxic-free environments.

Third, I believe in working collaboratively with all stakeholders around common goals. Throughout my career, I have worked effectively with Republicans and Democrats, business leaders and community advocates, and Federal, State, and local governments.

These are the hallmarks of my life and career that I will bring in service of the Council on Environmental Quality and the American people.

If I am confirmed, I will work to ensure that the Federal environmental laws work for all people, no matter where they live or who they voted for. I will work to demonstrate that we can protect our environment, create jobs, and grow our economy. I will ensure that CEQ plays its role, leading on environmental and natural resources policy, across the Federal Government and listening, truly listening, as we find solutions that serve the public interest.

Among other things, I will work with all stakeholders to advance efficient permitting approaches that also examine the environmental consequences and engage affected communities.

I will see that CEQ's expertise is applied to the challenge of reducing greenhouse gas emissions and to helping communities to prepare for the increased flooding, more frequent hurricanes and wildfires, and other impacts of climate change that are already occurring.

Finally, I will ensure that the voices of the poor and the powerless, from the most rural parts of America to our biggest cities, are heard as we tackle the environmental and public health crises the Nation faces.

Mr. Chairman, Ranking Member Capito, and members of the committee, thank you again for the opportunity to appear before you. I am happy to answer any questions, and I look forward to working with you and other Members of Congress should I have the honor of being confirmed. Thank you.

[The prepared statement of Ms. Mallory follows:]

**Statement of Brenda Mallory**  
**Nominee for the Position of Chair of the Council on Environmental Quality**  
**Before the Committee on Environment and Public Works**  
**United States Senate**  
**March 3, 2021**

Good morning Chairman Carper, Ranking Member Capito, and Members of the Committee. Thank you for the opportunity to appear before you today as the nominee for the Chair of the Council on Environmental Quality.

It is the greatest privilege of my professional life and a blessing in my personal life that President Biden has nominated me for this important position on his environmental team. I want to thank President Biden for this nomination, and for trusting me to lead CEQ.

Thank you to Senator Blumenthal for his kind introduction. I also want to thank the Members of this Committee and their staff who took the time to meet with me prior to this hearing. I thoroughly enjoyed – and learned from – every one of our conversations.

Finally, I want to thank my family, friends, and colleagues for all the support and encouragement, with special gratitude to my husband, Mark Schneider, and my three children, Rachel, Alex, and Leslie, who give added purpose to all that I do.

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Mr. Chairman, Ranking Member Capito, and Members of the Committee, thank you again for the opportunity to appear before you. I am happy to answer any questions, and I look forward to working with you and other Members of Congress, should I have the honor of being confirmed.

Senate Committee on Environment and Public Works  
Hearing entitled, "*The Nominations of Brenda Mallory to be a Member and Chair of the Council on Environmental Quality and Janet McCabe to be Deputy Administrator of the Environmental Protection Agency.*"  
March 3, 2021  
Questions for the Record for Brenda Mallory

**Senator Capito:**

1. You were a member of the Climate 21 Project Steering Committee<sup>1</sup> and were named as a lead author of the Climate 21 Project's EPA report.<sup>2</sup> Is that correct?

**RESPONSE:** Yes.

2. Do you endorse all of the recommendations published in the Climate 21 Project's reports?

**RESPONSE:** As noted above, I contributed to and was an author of the Climate 21 Project's EPA report. In that role, I worked with my co-authors to capture the consensus views of the experts we interviewed. As a Steering Committee member, I have not fully considered nor taken a position on all the recommendations that the Climate 21 Project developed.

3. Did you or other members of the Climate 21 Project consider economic impacts or job losses when you were putting reports together?

**RESPONSE:** The Climate 21 project was focused less on specific policies and more on the institutional frameworks and tools that the Executive branch could use to address climate change (i.e., governance structures, budget, team organization, etc). Economic considerations were designed to be part of the specific policy development. In all of my professional work, I have taken very seriously the economic dimensions – including job creation opportunities – associated with policy decisions.

4. Do you personally agree with all of the recommendations published in the Climate 21 Project's EPA report?

**RESPONSE:** I believe that supporting the career staff and organizing effective agency teams and structures to advance thoughtful, science-based policy development and incorporate the input of internal and external stakeholders will result in more successful outcomes. I support innovative ways to address climate change at the Federal, state, and local level. I believe that advancing clean energy technology can help us address climate change, create jobs, and lead to a more secure energy future for our nation and consumers.

5. Did you work on, review, or provide feedback on any other Climate 21 Project report prior to its publication?

**RESPONSE:** Yes, I had an opportunity to review and provide feedback on other reports.

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<sup>1</sup> <https://climate21.org/steering-committee/>

<sup>2</sup> <https://climate21.org/environmental-protection-agency/>

6. The labor group known as Unions for Jobs & Environmental Progress published an economic analysis<sup>3</sup> that found that up to 273,670 direct jobs would be lost to “fully decarbonize” the electricity sector by 2035. What specific actions do you intend to take to ensure that CEQ does not contribute to more than 200,000 people potentially losing their jobs?

**RESPONSE:** President Biden has put jobs, economic growth, and cost savings for consumers at the center of his climate agenda. If confirmed, I look forward to joining the whole Biden-Harris team to tackle the climate crisis, help create jobs and expand opportunity, and engage with all stakeholders.

7. In Section 222 of President Biden’s Executive Order 14008, he directed CEQ to develop a climate and economic justice screening tool within six months. If confirmed, do you commit to providing the Ranking Member with any CEQ documents and communications regarding development of this tool?

**RESPONSE:** President Biden’s Executive Order on Tackling the Climate Crisis at Home and Abroad directs CEQ to create a geospatial Climate and Economic Justice Screening Tool. I understand the importance of Congress’ need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with CEQ staff to accommodate Congress’ interests.

8. From your past experience, is CEQ best suited to develop a climate and economic justice screening tool?

**RESPONSE:** President Biden’s Executive Order on Tackling the Climate Crisis at Home and Abroad directs CEQ to create a geospatial Climate and Economic Justice Screening Tool. If confirmed, I look forward to working with CEQ’s policy, legal, and environmental justice staff and working in partnership with other agencies to accomplish this directive.

9. Do you intend to recuse yourself from issues where the Southern Environmental Law Center (SELC) petitions or otherwise lobbies the Administration?

**RESPONSE:** Consistent with the government ethics requirements and as stated in my amended ethics agreement, if confirmed and for a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know SELC is a party or represents a party, unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502(d). Moreover, the Biden ethics pledge extends this requirement an additional year. I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to consult with and seek advice from CEQ’s Designated Agency Ethics Official about meeting my ethical obligations.

10. In your initial ethics agreement submitted to the Committee, you detail that upon confirmation that you will resign from your position at SELC and that for a period of one year after your resignation, you would have a “covered relationship” under the impartiality regulation of 5 C.F.R. §2635.502. Please explain what your understanding of a “covered relationship” is in this context.

<sup>3</sup><http://www.ujep4jobs.org/Portals/74/Documents/Potential%20Fossil%20Energy%20Job%20Losses%20and%20Transition%20Needs%20Final%20101920.pdf?ver=2020-11-04-100313-437>

**RESPONSE:** The definition of “covered relationship” is set forth in the Federal ethics regulations at 5 C.F.R. § 2635.502(b)(1)(iv). Based on discussions with CEQ’s ethics counsel and my review of the regulations, I understand this term includes certain personal and professional relationships, including former employers.

11. Why did you update your ethics agreement?

**RESPONSE:** After careful consideration and further consultation with the CEQ Designated Agency Ethics Official, CEQ leadership, and the Office of Government Ethics, I concluded that I will be able to fulfill the responsibilities of CEQ Chair without the limited authorization and limited waiver identified in the original ethics agreement.

12. Despite this “covered relationship” and the clear impartiality you would have in any matter involving SELC, you detailed that you would be seeking authorization to engage with SELC. Why do you feel the need this action is necessary?

**RESPONSE:** After careful consideration and further consultation with the CEQ Designated Agency Ethics Official, CEQ leadership, and the Office of Government Ethics, I concluded that I will be able to fulfill the responsibilities of CEQ Chair without the limited authorization and limited waiver identified in the original ethics agreement.

13. Do you intend to recuse yourself from any matters related to the SELC?

**RESPONSE:** Consistent with the Ethics rules and as stated in my amended ethics agreement, if confirmed and for a period of one year after my resignation, I will not participate personally and substantially in any particular matter involving specific parties in which I know SELC is a party or represents a party, unless I am first authorized to participate pursuant to 5 C.F.R. § 2635.502(d). Moreover, the Biden ethics pledge extends this requirement an additional year. I take seriously my ethical obligations as a public servant and, if confirmed, I will continue to consult with and seek advice from CEQ’s Designated Agency Ethics Official about meeting my ethical obligations.

14. What is an acceptable amount of time for completion of a NEPA review requiring an environmental impact statement?

**RESPONSE:** NEPA requires the preparation of environmental impact statements for major Federal actions significantly affecting the quality of the human environment. Given the diverse nature of Federal activity encompassed by this requirement, the amount of time required for agencies to complete environmental impact statements varies. It is in everyone’s interest for these processes to be completed in an effective and efficient manner.

15. Do you agree that two years is a reasonable period of time to complete a NEPA review?

**RESPONSE:** NEPA reviews include categorical exclusions, environmental assessments coupled with findings of no significant impact, and environmental impact statements. Given the diverse nature of Federal activity and types of environmental

review processes, the amount of time required for agencies to complete environmental reviews varies.

16. Do you disagree with CEQ's establishment of a presumptive time limit of two years for completion of environmental impact statements?

**RESPONSE:** CEQ established a presumptive two-year time limit for completion of environmental impact statements in its July 2020 update to the NEPA regulations. On January 20, 2021, President Biden issued E.O. 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis and directed the heads of all Federal agencies to review all regulations issued between January 20, 2017 and January 20, 2020. Consistent with this directive, if confirmed, I would review the 2020 NEPA regulations and work with CEQ's legal and policy staff as well as other stakeholders to find ways to encourage sound and efficient decision making and improved environmental and community outcomes.

17. Is there anything in the update to the NEPA Regulations issued by the Trump Administration and published at 85 Fed. Reg. 43304 (July 16, 2020) (hereinafter "Updated NEPA Regulations") that you agree with?

**RESPONSE:** The 2020 NEPA regulations made some changes that elevated the role of Tribal Nations in the NEPA process. I recognize the importance of Tribal consultation and involvement in implementing NEPA. If confirmed, I will consult with Tribal nations in pursuit of a shared goal of protecting human health and the environment. More generally, if confirmed, I will work with CEQ staff to review the 2020 NEPA regulations to evaluate their efficacy and appropriateness in light of President Biden's agenda.

18. Do you think there should be page limits for NEPA documents?

**RESPONSE:** NEPA documents should be accessible to decision makers and the public while still providing necessary environmental analysis. If confirmed, I will work with CEQ's legal and policy staff to evaluate the efficacy and appropriateness of page limits.

19. Should Federal agencies conduct environmental reviews concurrently and ultimately sign a joint decision document?

**RESPONSE:** Projects subject to NEPA are diverse in type and complexity. In some cases, it may be efficacious and appropriate for Federal agencies to conduct environmental reviews jointly or concurrently. If confirmed, I would review these issues with CEQ's legal and policy staff.

20. Do you agree that a predictable permitting timeline reducing the financing costs of large infrastructure projects?

**RESPONSE:** Permitting timelines may help provide some transparency and predictability for large infrastructure projects. If confirmed, I would review the issue of timelines and work with CEQ's legal and policy staff to find ways to encourage accurate scheduling, sound decision making, and improved environmental and community outcomes.

21. The Updated NEPA Regulations clarify that discussion of “reasonable alternatives” should not include alternatives outside of the agency’s jurisdiction when they would not be technically feasible due to the agency’s lack of statutory authority to implement that alternative. Do you agree with this clarification?

**RESPONSE:** If confirmed, I look forward to discussion of this issue with CEQ’s legal and policy staff and other key stakeholders as CEQ reviews the 2020 NEPA regulations. The statutory provisions related to “reasonable alternatives” are central to the objectives of NEPA.

22. In the past, there has been uncertainty in determining how far upstream or downstream to consider greenhouse gas emissions. In the Updated NEPA Regulations, CEQ clarified that analyses must only consider effects that are reasonably foreseeable and that have a close causal relationship to the action being considered. Do you disagree with that clarification?

**RESPONSE:** If confirmed, I look forward to discussing this issue with CEQ staff and other stakeholders as CEQ reviews the 2020 NEPA regulations.

23. To what extent do you think greenhouse gas emissions should be considered under NEPA?

**RESPONSE:** Where relevant, greenhouse gas emissions should be considered in NEPA analysis, consistent with longstanding legal precedent interpreting NEPA’s statutory requirements. If confirmed, I look forward to being briefed by CEQ staff about any issues related to NEPA and greenhouse gas emissions.

24. President Biden recently signed an Executive Order on critical minerals,<sup>4</sup> emphasizing the importance of strengthening our supply chains to ensure the United States is not left vulnerable to production shortages and foreign competitors. How will you ensure the environmental reviews for these mining and refinery projects move forward in a timely manner and strengthen our critical supply chains?

**RESPONSE:** If confirmed, I would review these issues with CEQ staff to find ways to encourage sound and efficient decision-making by Federal agencies involved in reviewing such projects, as well as improved environmental and community outcomes.

25. In August of 2017, President Trump signed Executive Order 13807 establishing a “One Federal Decision” policy which directed agencies to complete environmental impact statements pursuant to NEPA within two years. President Biden’s Executive Order 13990 revoked Executive Order 13807 without consideration of the major infrastructure projects already undergoing environmental reviews. Were you involved in President Biden’s decision to revoke President Trump’s Executive Order 13807 and One Federal Decision Policy?

**RESPONSE:** No.

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<sup>4</sup> [FACT SHEET: Securing America’s Critical Supply Chains | The White House](#)



26. How has the revocation of Executive Order 13807 impacted the 38 major infrastructure projects that are currently “in progress” on the Federal Permitting Dashboard?

**RESPONSE:** Because I am not yet at CEQ, I have not been briefed about how Federal agencies are handling these “in progress” major infrastructure projects and I am not aware of any specific impacts the revocation has had on them. If confirmed, I will work with CEQ legal and policy staff to understand what, if any, impacts the revocation has on such projects as CEQ works with OMB to consider whether to reinstate any portion of 13807 and identify ways to encourage sound and efficient decision making and improved environmental and community outcomes.

27. Also in President Biden’s EO 13990, the Chair of CEQ and Director of OMB are instructed to consider a replacement to the One Federal Decision Executive Order. What process changes do you envision for replacing One Federal Decision?

**RESPONSE:** If confirmed, I will work with the Director of OMB to explore whether a replacement order is needed, and if needed, to identify what, if any, changes to the one Federal decision policies could be incorporated to help achieve the President’s goals with regards to environmental review and permitting.

28. Will you engage with outside stakeholders when considering a replacement to One Federal Decision?

**RESPONSE:** If confirmed, I will work with CEQ staff and OMB to identify opportunities to engage outside stakeholders on ways to improve the environmental review and permitting process.

29. Sometimes a NEPA review is required before forest management activities can occur. Effective forest management is vital tool for helping to reduce the risk of forest fires, especially at a time where we are seeing longer fire seasons, bigger fires, and more acres burned on average each year. Do you agree that timely NEPA reviews are vitally important to ensure timely and effective forest management activities?

**RESPONSE:** Sound forest management is critical for the protection of the environment and public health. If confirmed, I will work with CEQ’s legal and policy staff to find ways to encourage sound and efficient decision making with respect to forest management.

30. Do you agree that a presumptive timeline for forest management activities is necessary for the protection of the environment and public safety?

**RESPONSE:** Well-designed forest management activities are crucial for the protection of the environment and the public. If confirmed, I will work with CEQ’s legal and policy staff to find ways to encourage sound and efficient decision making and improved environmental and community outcomes.

31. In August 2016, President Obama’s CEQ issued “Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews.” You were General Counsel at the time. What was your involvement in developing the guidance?

**RESPONSE:** As General Counsel, I worked with the program staff and other Federal stakeholders in developing and finalizing the guidance consistent with legal requirements and case law.

32. President Biden's Executive Order 13990 rescinded the replacement draft guidance and directs CEQ to review, revise, and update the final guidance issued during the Obama Administration in 2016. If confirmed, how will you engage with the public when considering changes to the 2016 GHG Guidance?

**RESPONSE:** If confirmed, I will confer with CEQ staff and other stakeholders on engagement with outside stakeholders and the public regarding potential updates to the 2016 GHG Guidance.

33. President Biden's Executive Order 14008 directs the Chair of CEQ and the Director of OMB to review and report to the National Climate Advisor on siting and permitting processes, including for those projects covered by the Federal Permitting Improvement Steering Council, and identify steps to accelerate clean energy and transmission projects. The Federal Permitting Improvement Steering Council was established under Title 41 of the Fixing America's Surface Transportation Act to improve timeliness and predictability for more sectors of infrastructure. Will you work to ensure that the Federal Permitting Improvement Steering Council equally prioritizes the timely review of all projects covered under FAST-41 and not just clean energy and transmission projects?

**RESPONSE:** If confirmed, I will work with the Director of OMB to carry out the directives in Executive Order 14008. With the CEQ staff, I would engage with the Federal Permitting Improvement Steering Council and help identify ways to best marshal its resources, including by providing coordination services to FAST-41 covered projects.

34. How will CEQ work to address the increasing number of lawsuits we've seen in the past decade without slowing the permitting process even further, especially with regard to electric transmission lines and oil and gas pipelines?

**RESPONSE:** Although CEQ does not have control over the number of lawsuits filed and their disposition, if confirmed, I would work with agencies to promote early agency and public engagement, collaboration, and other practices that can help resolve conflicts outside of the courtroom.

35. Do you believe that sue-and-settle lawsuits filed by environmental groups are the appropriate way for the executive branch to make environmental policy?

**RESPONSE:** If confirmed, I am committed to transparency, appropriate executive branch decision making, and the rule of law.

36. Under EPA Administrator Wheeler's leadership, EPA convened America Recycles Summits, Innovation Fairs, and garnered over 300 signatures on its America Recycles Day pledge. CEQ Chairman Mary Neumayr worked with EPA, other Federal agencies, states, localities, academia, and the private sector to support these efforts to

prevent waste and increase recycling. Will you commit to continuing CEQ's support of these important efforts to improve recycling to help Americans reap the environmental and economic benefits?

**RESPONSE: If confirmed, I look forward to learning more from CEQ's legal and policy staff about this issue and considering efforts to improve recycling.**

37. Given CEQ's role in working with agencies across the Federal government, will you help Congress hold EPA accountable to prioritize improving recycling in the U.S.?

**RESPONSE: If confirmed, I look forward to learning more from CEQ's legal and policy staff about this issue and considering efforts to improve recycling.**

38. In October 2020, EPA released the U.S. Federal Strategy for Addressing the Global Issues of Marine Litter. The Council for Environmental Quality committed to continue working with Federal agencies to implement this important strategy. Will you reaffirm this commitment to support Federal agency efforts to protect our oceans?

**RESPONSE: If confirmed, I would work to address plastic pollution and marine litter, and am committed to working with other Federal agencies, Congress, and stakeholders on this issue.**

39. Though CEQ's guidance on its 1978 regulations recommended that an environmental impact statement, even for a complex project, should not exceed one year, CEQ found that on average completion of an environmental impact statement takes 4.5 years and for highway projects time for completion averages over seven years. During the Trump EPA's public comment period on the update to Clean Water Act Section 401 implementing regulations, the Agency heard from commenters that certain states had required components of a NEPA review to be completed, such as an environmental impact statement, before a CWA section 401 certification would be granted. Do you believe it is sound government practice for a CWA Section 401 Certification, and ultimately potential issuance of a CWA Section 404 permit for critical infrastructure projects, to be contingent upon a process that has previously taken an average of seven years to complete?

**RESPONSE: NEPA requires the preparation of environmental impact statements for major Federal actions significantly affecting the quality of the human environment including where permits related to critical infrastructure meet those criteria. Given the diverse nature of Federal activity encompassed by this requirement, the amount of time required for agencies to complete environmental impact statements varies.**

40. From a policy and regulatory perspective—how do you define environmental justice?

**RESPONSE: Securing environmental justice for communities most overburdened by pollution is a priority for President Biden. If confirmed, I will work with CEQ's policy, legal, and environmental justice staff to ensure that CEQ's rulemakings and program implementation consider equity and environmental justice impacts and facilitate inter-agency adoption of policies that incorporate equity and environmental justice considerations. All communities are entitled to clean air, clean water, and a clean environment.**

41. Do you believe there should be a consistent definition of environmental justice across all federal agencies engaged on environmental justice policies?

**RESPONSE:** If confirmed, I will consult with CEQ's policy, legal, and environmental staff as well as interagency partners on the issue of a consistent definition of environmental justice across all Federal agencies. Securing environmental justice for communities most overburdened by pollution is a priority for President Biden. All communities are entitled to clean air, clean water, and a clean environment.

42. If confirmed, how do you plan to integrate environmental justice into agency decision making?

**RESPONSE:** If confirmed, I will work with CEQ's policy, legal, and environmental justice staff to ensure that CEQ's rulemakings and program implementation consider equity and environmental justice impacts. All communities are entitled to clean air, clean water, and a clean environment.

43. Do you agree that renewable energy sources and infrastructure can pose environmental inequities for communities in which they are sited?

**RESPONSE:** Even before the COVID-19 pandemic, rising economic inequality meant that too many families were struggling to make ends meet. Many communities, particularly rural communities and communities of color, face compounding challenges posed by inadequate infrastructure investment, generational poverty, racism, and poor health. If confirmed, I will work with CEQ's policy, legal, and environmental justice staff to ensure that CEQ's rulemakings and program implementation consider potential equity and environmental justice impacts from Federal decisions, including decisions related to renewable energy sources and infrastructure.

44. How will energy poverty, in the form of less resilience, less reliability, and higher costs, be taken into consideration for environmental justice?

**RESPONSE:** Addressing inequality, including inequality relating to access to clean, safe, reliable, and affordable energy, is important to me. Even before the COVID-19 pandemic, rising economic inequality meant that too many families were struggling to make ends meet. Many communities, particularly rural communities and communities of color, face compounding challenges posed by inadequate infrastructure investment, generational poverty, racism, and poor health. If confirmed, I will work with CEQ's policy, legal, and environmental justice staff to ensure that CEQ's rulemakings and program implementation consider potential equity and environmental justice impacts from Federal decisions, including decisions related to renewable energy sources and infrastructure.

45. Do you agree that poverty has negative health outcomes, including deaths of despair such as drug overdose or suicide?

**RESPONSE:** Yes. We can and must do far more as a Nation to confront poverty and its impacts. President Biden has made clear that he is committed to helping expand economic opportunities for all Americans and to addressing long-standing inequalities and injustices. I support the President's commitment to this work.

46. Should economic harm resulting from environmental regulations likely to increase poverty be considered an environmental justice issue and factored into federal cost-benefit analyses as a net-negative health effect?

**RESPONSE:** Executive Order 12866, as amended, directs Federal agencies to assess the costs and benefits of significant regulatory actions. I am committed to ensuring that CEQ lives up to its obligations under this and other Executive Orders.

47. Do you feel that the effects of poverty in rural and urban environmental justice communities are functionally similar?

**RESPONSE:** Many effects of poverty in rural communities and urban communities are similar, but I also believe it is important to understand and account for the challenges that are unique to particular communities, states, Tribes, and regions. For that reason, I believe it is important that all communities – rural, suburban and urban – have their perspectives and voices heard by their governments. I will do my best to be a good listener, have an open door, and develop and support policies that address the needs of the most disadvantaged in our country.

48. Do you agree that environmental injustice in disadvantaged communities is exacerbated by policies which seek to ban natural gas as a reliable, clean, and affordable energy source?

**RESPONSE:** I believe that every American should have access to clean, safe, reliable, and affordable energy.

49. Do you view access to jobs and energy affordability as a justice issue for poor and disadvantaged communities?

**RESPONSE:** Yes, having clean, safe, reliable, and affordable energy and the dignity of a good-paying job is vitally important in every community in America.

50. Low-income families and communities spend a larger share of their budget on energy costs compared to middle- and upper-class families. Do you agree that increased energy costs have a disproportionate impact on low-income families and communities?

**RESPONSE:** Low-income households pay more, as a percentage of their income, on energy than higher-income households. That's why energy efficiency and affordability programs, such as those managed by the U.S. Department of Energy (DOE), are critically important to lower energy bills while cutting air pollution.

51. If confirmed, will you take into account the impact of higher energy costs that would result from environmental regulations under consideration?

**RESPONSE:** If confirmed, I will work with CEQ's legal and policy staff to evaluate the factors identified by Congress in environmental statutes to govern Federal decision making along with those factors identified in any applicable Executive Order or regulation.

52. Terry O'Sullivan, General President of the Laborers' International Union of North America, recently stated, "It's pie in the sky bullshit about these green jobs being good middle-class jobs, because they're not. I'm concerned about union members and union

families being left behind... and I think they've already been left behind.” Do you agree with Mr. O’Sullivan?

**RESPONSE:** I grew up in Waterbury, Connecticut, and saw first-hand what lost jobs can do to a community. Communities across this country are suffering under the toll of economic hardship, a brutal pandemic, and long-running racial and economic disparities and injustices. Through the early actions he has taken in his presidency, President Biden has demonstrated his commitment to addressing these challenges, and I believe CEQ has a critical role to play in fulfilling this agenda.

53. North America’s Building Trade Unions issued a 2020 report which found—“Many of the trades that work on oil and natural gas projects are not as prevalent on renewables projects, indicating that skilled trade jobs are not highly interchangeable between industries.” Do you agree with the report?

**RESPONSE:** As I indicated during the hearing and above, I have seen first-hand the impacts of job losses on communities, which is why, if confirmed, I look forward to supporting President Biden’s work to expand opportunity, create good-paying jobs, and address long-running inequalities and injustices. I am not familiar with this particular report.

54. A power sharing agreement of the U.S. Senate enables us to run the Senate—and this Committee—in a spirit of fairness and cooperation. While Republicans are still considered the Minority, it is important to emphasize that we are under a unique 50-50 split in the Senate and have a mandate to continue to conduct meaningful oversight of the Agency and ensure this Administration does not make the same mistakes that political appointees made under the Obama-Biden Administration. In light of this unique situation, if confirmed, do you commit to granting the Minority equal access to information and documents, including any necessary briefings and discussions with Agency personnel?

**RESPONSE:** I understand the importance of Congress’ need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with CEQ staff to accommodate Congress’ interests.

55. If confirmed, do you commit to holding all political appointees at your agency to this same standard?

**RESPONSE:** I understand the importance of Congress’ need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with CEQ staff to accommodate Congress’ interests.

56. If confirmed, will you commit to hosting public outreach and listening sessions in those states most likely to be negatively impacted by a proposed rulemaking?

**RESPONSE:** If confirmed, I am committed to sincere and transparent stakeholder engagement on CEQ actions. I consider that a very important component of CEQ’s work.

57. If confirmed, do you commit to provide the Ranking Member and Minority staff of the Committee notification and to consult with the Committee prior to any proposed or final action?

**RESPONSE: I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with CEQ staff to accommodate Congress' interests.**

58. If confirmed and if requested, do you commit to make yourself and your staff available to provide additional information and briefings to the Committee on any action prior to it being taken by your agency?

**RESPONSE: I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with CEQ staff to accommodate Congress' interests.**

59. If confirmed, will you commit to notifying the Committee of your participation in any matter involving any of your former employers or organization of which you are a part?

**RESPONSE: I take seriously the ethical obligations of public service and, if confirmed, I expect to consult with and seek advice from CEQ's Designated Agency Ethics Official about meeting my ethical obligations.**

60. Is there any additional information you need to provide to the Committee at this time that you have previously failed to provide?

**RESPONSE: Not to my knowledge.**

61. Do you commit to notifying the Committee immediately upon discovery of any additional failures to provide necessary information?

**RESPONSE: I will continue to comply with any legal obligation to provide information to the public or to the Committee and will continue to consult with and seek advice from CEQ's Designated Agency Ethics Official about meeting my ethical obligations.**

62. Will you commit to instructing all of your political staff to take the appropriate steps to avoid any appearance of having their impartiality questioned in the performance of their official duties?

**RESPONSE: I take seriously the ethical obligations of public service and, if confirmed, I expect to work with CEQ's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. If confirmed, I will instruct all CEQ staff to do the same.**

63. Do you believe that all political appointees should follow the Department of Justice (DOJ) ethics guidelines?

**RESPONSE: I take seriously the ethical obligations of public service and, if confirmed, I expect to work with CEQ's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. If confirmed, I will instruct all CEQ staff to do the same.**

64. If confirmed, will you commit to directing all political appointees at CEQ to comply with DOJ ethics guidelines to recuse themselves for a one-year period from any matter in which their former employer whom they provided services to within the previous year is a party or represents a party?

**RESPONSE:** I take seriously the ethical obligations of public service and, if confirmed, I expect to work with CEQ's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. If confirmed, I will instruct all CEQ staff to do the same.

65. Do you commit to providing all ethics documents of political appointees, including those hired in administratively determined roles and authorities?

**RESPONSE:** I take seriously the ethical obligations of public service and, if confirmed, I expect to work with CEQ's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. If confirmed, I will instruct all CEQ staff to do the same.

66. Do you believe that agencies should clearly and transparently document its decisions?

**RESPONSE:** Yes. If confirmed, I commit to conducting CEQ's work in a transparent manner, to uphold scientific integrity, and to engage in evidence-based policymaking.

67. Do you believe that the public should have clarity on why an agency makes the decisions it makes, including the science on which those decisions are based?

**RESPONSE:** I believe it is important for all public servants to be as transparent as possible to Congress and to the public. If confirmed, I commit to conducting CEQ's work in a transparent manner, to uphold scientific integrity, and to engage in evidence-based policymaking.

68. Should that science, including the associated data, be available to the public for review?

**RESPONSE:** I believe it is important for all public servants to be as transparent as possible to Congress and to the public. It is also important to use the best available science. If confirmed, I commit to conducting CEQ's work in a transparent manner, to uphold scientific integrity, and to engage in evidence-based policymaking.

69. If confirmed, do you commit to notifying the Committee of all of the email addresses you plan to use upon confirmation and also provide additional notice within seven days of using a new email address, including any aliases or pseudonyms?

**RESPONSE:** I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the CEQ's work in a transparent manner and to maintaining recordkeeping practices that are consistent with all applicable laws. With respect to CEQ's email policies, I commit to discussing these policies with CEQ staff and considering their advice to determine the appropriate path forward.

70. If confirmed, do you commit to holding all of your political appointees to this standard?



**RESPONSE:** With respect to CEQ's email policies, I commit to discussing these policies with CEQ staff and considering their advice to determine the appropriate path forward. If confirmed, I will ensure that a consistent and transparent email policy is in effect.

71. If confirmed, do you commit to conducting all business using official email addresses and other means and to refrain from any mediums that are outside the Freedom of Information Act's reach?

**RESPONSE:** If confirmed, I commit to maintaining recordkeeping practices that are consistent with all applicable laws (including the Federal Records Act) and I will expect all CEQ personnel to do the same.

72. If confirmed, do you commit to holding all of your political appointees to this standard?

**RESPONSE:** If confirmed, I commit to maintaining recordkeeping practices that are consistent with all applicable laws (including the Federal Records Act) and I will instruct all CEQ personnel to do the same.

73. If confirmed, do you commit to ensuring calendars for all the senior officials throughout are shared with the public?

**RESPONSE:** I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting CEQ's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout CEQ. I commit to discussing a calendar disclosure policy with CEQ staff to determine the appropriate path forward.

74. If confirmed, do you commit to ensuring the calendar entries you share with the public are timely and contain meaningful details that will enable the public to understand how you are conducting yourself as leader of the Agency?

**RESPONSE:** I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the CEQ's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout CEQ. I commit to discussing a calendar disclosure policy with CEQ staff to determine the appropriate path forward.

75. If confirmed, do you commit to providing the Committee within seven days of any travel, details relating to travel and associated expenses, including lodging, paid for by the agency for any political appointee?

**RESPONSE:** I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with CEQ staff to accommodate Congress' interests.

76. If confirmed, do you commit to holding all of your political appointees to this standard?

**RESPONSE:** I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with CEQ staff to accommodate Congress' interests.

77. If you are not committing to any of the preceding, please explain why.

**RESPONSE:** I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with CEQ staff to accommodate Congress' interests.

78. Many senior positions within the agency for which you have been nominated have been filled. This is concerning since this has taken place seemingly without your input or consent. Did the White House ask you for your input on the political staff it hired?

**RESPONSE:** If confirmed, I look forward to joining the whole CEQ team, including the longtime career staff and the recently onboarded non-career staff, so that together we can tackle this Administration's clear priorities for environmental protection. Because I am not yet at CEQ, I cannot speak to the specifics of its hiring processes.

79. Have you worked with any of the political appointees that are currently working at CEQ?

**RESPONSE:** To my knowledge, I have not worked in the same organization with any of the political appointees.

80. If you have previously worked with any such person, please identify the individual(s) and the nature of the prior work.

**RESPONSE:** To my knowledge, I have not worked in the same organization with any of the political appointees.

81. What was the role of the White House climate czars and staff in the selection of political staff already in place in agencies such as CEQ?

**RESPONSE:** Because I am not yet at CEQ, I cannot speak to the specifics of its hiring processes.

82. During this ongoing COVID-driven economic downturn, it is critical that American businesses have regulatory certainty for those businesses to manage their companies. If confirmed, how will you prioritize policies and activities to provide regulatory certainty?

**RESPONSE:** I recognize the importance and value of regulatory certainty. If confirmed, I look forward to working with the CEQ staff to understand lessons learned and options available as CEQ moves forward to fulfill its mandate to protect public health and the environment.

83. If confirmed, will you regularly communicate to this Committee how you incorporate regulatory certainty into your agency's decision-making process?

**RESPONSE:** I recognize the importance and value of regulatory certainty. If confirmed, I look forward to working with the CEQ staff to understand lessons learned and options available as CEQ moves forward to fulfill its mandate to protect public health and the environment. I also understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and,

if confirmed, I commit to working with CEQ staff to accommodate Congress' interests.

84. Do you believe agencies should regularly review existing policies to identify outdated and unnecessary policies to minimize costly duplication?

**RESPONSE:** I look forward to joining the whole CEQ team so that together we can tackle this Administration's clear priorities for environmental protection while also working to provide regulatory certainty and ensure the relevance of CEQ's policy framework.

85. Section 218 of Executive Order 14008 establishes an interagency working group focused—among other things—on steering federal resources to communities and individuals that will be harmed by the Biden Administration's energy and environmental policies. Can you elaborate on your understanding of the mission of this interagency working group?

**RESPONSE:** President Biden's Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad establishes an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. If confirmed, I look forward to working with my Federal colleagues to coordinate investments and other efforts to assist coal, oil and natural gas, and power plant communities.

86. Do you believe establishing an interagency work group is the most effective manner for the federal government to ensure "coal and power plant communities" will not be targeted and left behind?

**RESPONSE:** Interagency working groups are one tool that the executive branch has to coordinate investments and other efforts to assist coal, oil and natural gas, and power plant communities. President Biden's Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad establishes an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. If confirmed, I look forward to working with my Federal colleagues to coordinate investments and other efforts to assist coal, oil and natural gas, and power plant communities.

87. The Executive Order directs the interagency working group to submit a report making recommendations to President Biden within 60 days of it being signed. If confirmed, as a member of the interagency working group, do you commit to working with the Congressional delegations representing these communities as you develop recommendations?

**RESPONSE:** I believe it is critically important to listen to the perspectives of coal, oil, natural gas, and power plant communities – including through their Members of Congress – and incorporate those perspectives into policies, decisions, and investments that aim to assist these communities.

88. If confirmed, do you commit to sharing a draft version of the report with myself and other representatives of these communities prior to finalization?

**RESPONSE:** If confirmed, I look forward to being updated on the progress of the work of the Interagency Working Group on Coal and Power Plant Communities and

**Economic Revitalization, and would be pleased to have further conversations with you about how to develop policies and approaches that address the challenges in these communities.**

89. If confirmed, do you commit to timely answering requests for information on the activities of the interagency working group from this Committee and the Congressional delegations representing these communities?

**RESPONSE: If confirmed, I look forward to being updated on the progress of the work of the Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization, and would be happy to engage in further conversations with you about how to develop policies and approaches that address the challenges in these communities.**

90. In January, the Washington Post fact-checked U.S. Climate Envoy, John Kerry after saying fossil fuel workers were being “fed a false narrative” on the renewable energy transition, saying, “*The same people can do those jobs. But the choice of doing the solar power one is a better choice.*” Do you agree with John Kerry that solar jobs are a better choice for fossil fuel workers?

**RESPONSE: President Biden has committed to achieving a carbon pollution-free power sector by 2035 and has put jobs at the center of his climate agenda. I believe that any job loss can be devastating. There are communities across this country that are suffering, and the pandemic is making it worse. I agree that CEQ should pay attention to the issues these communities are facing, and I think that President Biden has reflected that commitment in his early actions.**

91. If you are confirmed and the Biden Administration establishes the social cost of carbon (SCC), social cost of nitrous oxide (SCN), and social cost of methane (SCM), how will you ensure such a revision is based on the best available science?

**RESPONSE: If confirmed, I look forward to working to implement these portions of the President’s Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. Where implementation decisions are in CEQ’s purview, I will lead, listen to CEQ staff advice, make the decisions delegated to me, and accept accountability for those decisions. I will listen to CEQ staff and other technical experts in ensuring that the best available science and other technical information is deployed.**

92. Should federal agencies consider *all* economic costs associated with the environmental regulatory decisions necessary to implement any proposed cost figures, including job losses, increased costs to consumers, and offshoring of American industries, businesses, and jobs?

**RESPONSE: If confirmed, I will work with CEQ’s legal and policy staff to evaluate the factors identified by Congress in environmental statutes to govern Federal decision making, including economic costs where appropriate, along with those factors identified in any applicable Executive Order or regulation.**

93. Should the Biden Administration propose to revise the social cost of greenhouse gases and you are confirmed, will you commit to a process that includes public involvement, including a public notice and comment period, prior to such a revision?

**RESPONSE:** If confirmed, I look forward to working to implement the President's Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. I also look forward to being briefed on CEQ's role in this process.

94. In applying any SCC, SCN, and SCM estimates to regulatory proposals, will you take into account the emissions impact of offshoring American industry to places where those activities have higher emissions impacts?

**RESPONSE:** If confirmed, I look forward to working to implement the President's Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis. I also look forward to being briefed on CEQ's role in this process.

95. Do you agree that our environment has improved over the last fifty years?

**RESPONSE:** In many areas, yes.

96. If confirmed, do you plan on following the direction of the White House and revoking a long list of actions taken under the Trump Administration under Executive Order 13990, even if doing so would contribute to regulatory uncertainty?

**RESPONSE:** President Biden's Executive Order 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis directs Agencies to review the Trump Administration's actions. If confirmed, I will work with CEQ staff, states, Tribes, industry, labor, and other stakeholders to consider a range of views on how to move forward.

97. How will you balance environmental and economic considerations?

**RESPONSE:** President Biden's Executive Order 13990 on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis directs Agencies to review the Trump Administration's actions. If confirmed, I will work with CEQ staff, states, Tribes, industry, labor, and other stakeholders to consider a range of views on how to move forward.

98. Do you pledge to work with industry, states, and technology experts to ensure commonsense, technically feasible, and economically viable environmental solutions are proposed and implemented?

**RESPONSE:** Yes.

99. On January 20, 2021, President Biden directed the Office of Management and Budget (OMB) to review and update OMB Circular A-4 through a Presidential Memorandum. OMB Circular A-4 is the overarching guidance document that dictates how to develop regulatory analysis. Do you believe there are gaps in Circular A-4 that require it to be revised?

**RESPONSE:** I look forward to being briefed by CEQ staff about OMB Circular A-4 and the review directed by President Biden.

100. Please identify the gaps (if any) in Circular A-4 that should be addressed.

**RESPONSE:** I look forward to being briefed by CEQ staff about OMB Circular A-4 and the review directed by President Biden.

101. Do you believe the American public's confidence and trust in regulatory decisions is increased when regulatory analysis is based on quantifiable analysis?

**RESPONSE:** If confirmed, I commit to conducting CEQ's work in a transparent manner, to uphold scientific integrity, and to engage in evidence-based policymaking. I look forward to being briefed by CEQ staff about OMB Circular A-4 and the review directed by President Biden.

102. If confirmed, will you commit that any revisions to OMB Circular A-4 will be subject to a public notice and comment period?

**RESPONSE:** On January 20, 2021, President Biden signed a Presidential Memorandum on Modernizing Regulatory Review directing OMB to recommend "ways to modernize and improve the regulatory review process, including through revisions to OMB's Circular A-4." If confirmed, I commit to being briefed by CEQ staff about OMB Circular A-4 and OMB's review.

103. If confirmed, will you pursue a balanced approach between regulatory costs, including increased costs passed along to American consumers, and environmental protection?

**RESPONSE:** If confirmed, I commit to conducting the Agency's work in a transparent manner, to uphold scientific integrity, and to engage in evidence-based policymaking. I look forward to being briefed by CEQ staff about these and other issues related to cost-benefit analysis and how they impact CEQ's work.

104. Under the Obama Administration, the direct, quantifiable benefits of a single rule, EPA's *Mercury and Air Toxics Standards*, were estimated in the millions, while compliance costs were \$9.6 billion annually. Should the direct, quantifiable benefits of a rule exceed its costs?

**RESPONSE:** If confirmed, I commit to conducting the Agency's work in a transparent manner, to uphold scientific integrity, and to engage in evidence-based policymaking. I look forward to being briefed by CEQ staff about these and other issues related to cost-benefit analysis.

105. If you are confirmed, will you consider all costs of significant new regulations, including potential job losses and associated health impacts?

**RESPONSE:** If confirmed, I commit to conducting the Agency's work in a transparent manner, to uphold scientific integrity, and to engage in evidence-based policymaking. I look forward to being briefed by CEQ staff about these and other issues related to cost-benefit analysis and specifically how they are related to CEQ's work.

106. The White House's new memo on Modernizing Regulatory Review calls on agency heads to consider "public health and safety, economic growth, social welfare, racial

justice, environmental stewardship, human dignity, equity, and the interests of future generations.” How do you define each of those terms?

**RESPONSE:** President Biden’s Memorandum on Modernizing Regulatory Review reaffirms principles of regulatory planning and review. If confirmed, I would look forward to being briefed by CEQ staff about the memo and the issues it raises for CEQ to consider.

107. The White House’s new memo on Modernizing Regulatory Review calls on agency heads to consider “public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations.” If confirmed, what would you do in developing regulations if the organic statute does not include any or all of those considerations?

**RESPONSE:** President Biden’s Memorandum on Modernizing Regulatory Review reaffirms principles of regulatory planning and review. If confirmed, I would look forward to being briefed by CEQ staff about the memo and the issues it raises for CEQ to consider.

108. Does the definition of “interests of future generations” under the Modernizing Regulatory Review include debt or regulatory burdens?

**RESPONSE:** President Biden’s Memorandum on Modernizing Regulatory Review reaffirms principles of regulatory planning and review. If confirmed, I would look forward to being briefed by CEQ staff about the memo and the issues it raises for CEQ to consider.

109. Could a regulation be justified solely on international benefits?

**RESPONSE:** If confirmed, I would look forward to being briefed by CEQ staff on issues such as this related to the appropriate consideration of costs and benefits in CEQ’s rulemakings.

110. In evaluating the costs of regulations, will you commit to present estimates of benefits and costs using discount rates that reflect the opportunity cost of capital for businesses?

**RESPONSE:** If confirmed, I would look forward to being briefed by CEQ staff on issues such as this related to the appropriate consideration of costs and benefits in CEQ’s rulemakings.

111. In estimating benefits and costs, will you commit to identifying all major assumptions and uncertainties in the benefit and cost estimates?

**RESPONSE:** If confirmed, I would look forward to being briefed by CEQ staff on issues such as this related to the appropriate consideration of costs and benefits in CEQ’s rulemakings.

112. Will you also commit to conducting and presenting sensitivity and uncertainty analyses of those uncertainties?

**RESPONSE:** If confirmed, I would look forward to being briefed by CEQ staff on issues such as this related to the appropriate consideration of costs and benefits in CEQ’s rulemakings.

113. If confirmed, how will you ensure that other Federal agencies are not duplicating environmental policies defined as falling under another federal agency's authority?

**RESPONSE:** If confirmed, I look forward to working with CEQ staff and other Federal agencies and stakeholders to protect public health and the environment, and to joining the CEQ's efforts to contribute to President Biden's whole-of-government approach to combat the climate crisis.

114. Do you agree that where Congress has elected not to legislate is as important as where it has legislated for the purposes of shaping executive policies?

**RESPONSE:** If confirmed, I look forward to working with CEQ staff to protect public health and the environment. You have my commitment to follow the law, follow the science, and do so with stakeholder engagement.

115. Do you acknowledge that Congress has passed climate change legislation regarding specific matters, such as the recently passed AIM Act to regulate hydrofluorocarbons?

**RESPONSE:** It is my understanding the purpose of the AIM Act, which Congress passed in 2020, is to provide a safe transition away from hydrofluorocarbons.

116. Do you acknowledge that the States and the people have demonstrated that they are able to take substantial and significant steps concerning climate change *without* requiring action at the federal level?

**RESPONSE:** The Federal-State partnership is fundamental to our democracy, and to solving complex issues like climate change.

117. Do you agree that at least some steps addressing climate change can be best taken by the states and the people rather than the federal government?

**RESPONSE:** I believe in a full public-private partnership in addressing climate change impacts, including a Federal, state, tribal, and local response to climate change.

118. Do you agree that Executive Branch agencies have only the powers delegated by Congress?

**RESPONSE:** The Executive Branch exercises authority delegated by the U.S. Constitution or by Congress.

119. Do you agree the obligation imposed by the Administrative Procedure Act and other statutes on agencies not to take actions that are arbitrary, capricious, or an abuse of discretion is a necessary and critical check and safeguard?

**RESPONSE:** I am committed to honoring the rule of law and, if confirmed, commit to conducting CEQ's work in a fashion that accounts for all legal obligations, including those imposed by the Administrative Procedure Act and other statutes.

120. Do you agree that reasoned decision-making is necessary to avoid actions that are arbitrary, capricious, or an abuse of discretion?



**RESPONSE:** I am committed to honoring the rule of law and, if confirmed, commit to conducting CEQ's work in a fashion that accounts for all legal obligations, including those imposed by the Administrative Procedure Act and other statutes.

121. Do you agree agencies are required to engage in reasoned decision-making and that an agency's actions must be reasonable and reasonably explained?

**RESPONSE:** The Administrative Procedure Act and other statutes establish a framework to guard against arbitrary and capricious agency decision making. I am committed to honoring the rule of law and, if confirmed, commit to conducting CEQ's work in a fashion that accounts for all legal obligations, including those imposed by the Administrative Procedure Act and other statutes.

122. Do you commit to follow the Supreme Court's decision in *Michigan v. EPA*, 135 S. Ct. 2699 (2015)?

**RESPONSE:** If confirmed, I would look forward to being briefed by CEQ staff on the impact of this judicial decision on CEQ's work and direct CEQ's work accordingly.

123. If confirmed, will you commit to ensuring that your agency considers all significant costs and drawbacks of its actions, including localized impacts, and considers all potentially superior alternatives raised by stakeholders, except where Congress has affirmatively forbidden such consideration as a part of a specific regulatory process?

**RESPONSE:** If confirmed, I would look forward to being briefed by CEQ staff on issues such as this related to the appropriate consideration of costs and benefits in CEQ's rulemakings.

124. I'm concerned because thus far, we've heard the Administration talk extensively about climate change and less so about other environmental issues. If confirmed, where specifically will PFAS rank within your priorities?

**RESPONSE:** President Biden has highlighted the importance of tackling PFAS pollution and protecting public health and the environment. If confirmed, I will support President Biden's efforts to address PFAS pollution and would work with the EPA, DOD, and other agencies in confronting this problem.

125. With competing priorities across federal agencies and limited resources, what would your first significant action be to address PFAS?

**RESPONSE:** President Biden has highlighted the importance of tackling PFAS pollution and protecting public health and the environment. If confirmed, I will support President Biden's efforts to address PFAS pollution and would work with the EPA, DOD, and other agencies in confronting this problem.

126. What role will senior, non-Senate-confirmed Biden Administration officials outside of CEQ—including but not limited to Gina McCarthy, John Kerry, and David Hayes—play in the development of environmental policy?

**RESPONSE:** If confirmed, I look forward to supporting President Biden's efforts with a whole-of-government approach to combat the climate crisis. Where implementation decisions are in CEQ's purview, I will carry out my responsibilities as

**Chair, make my own independent judgment with respect to any decision that is delegated to me by Congress, and be accountable for those decisions.**

127. Is the Office of Domestic Climate Policy, which Gina McCarthy heads, a permanent office within the White House?

**RESPONSE: I do not know President Biden's intentions with respect to the permanence of that office.**

128. Do any of the White House climate czars and staff have significant authority—regulatory or informal?

**RESPONSE: I am focused on the responsibilities of CEQ Chair, where, if confirmed, I will make my own independent judgment with respect to any decision that is delegated to me by Congress and be accountable for those decisions.**

129. Will these White House climate czars and staff have a role in personnel, legal, or budgetary decisions at federal agencies such as CEQ?

**RESPONSE: I am focused on the responsibilities of CEQ Chair, where, if confirmed, I will make my own independent judgment with respect to any decision that is delegated to me by Congress and be accountable for those decisions. Since the President has designated specific staff to work on certain issues, I would expect to collaborate with his staff in carrying out overlapping responsibilities.**

130. Both David Hayes and Gina McCarthy joined the White House from organizations involved in hundreds of active lawsuits against federal agencies, as well as lobbying activity on federal rules. Will these White House climate czars and staff be subject to federal ethics requirements, including signing the Ethics Pledge in President Biden's Executive Order?

**RESPONSE: I defer to the White House to address the ethics requirements of the President's staff.**

131. Do you commit to working with the White House to provide all ethics documents of the White House climate czars and staff to this Committee if requested?

**RESPONSE: I defer to the White House to address requests made of the President's staff.**

132. Just as important to knowing any ethical issues these officials may have is the need for the American public to have clear, timely, and appropriate access to their communications and understand any forms of accountability that are in place. Are Gina McCarthy, John Kerry, David Hayes and their staff subject to FOIA?

**RESPONSE: I am focused on the responsibilities of the CEQ Chair and defer to the White House to address requests made of the President's staff.**

133. Are they subject to scientific integrity policies?

**RESPONSE: I am focused on the responsibilities of the CEQ Chair and defer to the White House to address the applicability of these and other policies to the President's staff.**

134. Since your nomination, have you spoken with any of the political appointees already in place at the White House?

**RESPONSE: Yes.**

135. The Biden Administration has established a National Climate Task Force led by White House National Climate Advisor Gina McCarthy, former Administrator of the EPA during the Obama-Biden Administration. What is your understanding of the role of the National Climate Task Force?

**RESPONSE: President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad establishes the National Climate Task Force. If confirmed, I look forward to working with my colleagues across the Cabinet to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in CEQ's purview, I will lead and make those decisions and accept accountability for those decisions.**

136. Will the Task Force have oversight over some or any actions by federal agencies?

**RESPONSE: President Biden's Executive Order on Tackling the Climate Crisis at Home and Abroad establishes the National Climate Task Force. If confirmed, I look forward to working with my colleagues across the Cabinet to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in CEQ's purview, I will lead and make those decisions and accept accountability for those decisions.**

137. Will any of the climate czars in the White House report to you, or any other Senate-confirmed official, or will you report to them?

**RESPONSE: Established by the National Environmental Policy Act, the Chair of CEQ reports directly to the President.**

138. Executive Order 13990, "Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis," required heads of agencies to submit to the Director of OMB a preliminary list of any actions being considered for review under that Executive Order by February 19th. Were you consulted on the preliminary list of actions prior to its submission to OMB?

**RESPONSE: No.**

139. If confirmed, given the Biden Administration's continual emphasis on the importance of transparency, will you commit to sharing what actions were included in that preliminary list and why?

**RESPONSE: If confirmed, I commit to conducting CEQ's work in as transparent a manner as possible.**

140. Did you provide the White House with any input on their recent Executive Orders on climate change, including Executive Order 13990 or Executive Order 14008?

**RESPONSE: No.**

**Senator Inhofe:**

1. Ms. Mallory, if confirmed, what would be your approach to oil and gas pipeline review and permitting, generally speaking?

**RESPONSE:** If confirmed, I would work to fulfill my statutory role of ensuring that the National Environmental Policy Act is implemented effectively, which means ensuring that Federal decisions – including those made on pipelines – account for the environmental impacts of those decisions.

2. Ms. Mallory, since September of last year you have been Director of Regulatory Policy at the Southern Environmental Law Center (SELC). This group has opposed gas pipelines, offshore drilling and fracking – an agenda which threatens our energy independence and raises Americans’ energy bills. Do you agree with SELC’s track record related to opposing fossil energy infrastructure development?

- a. What priorities of SELC’s did you disagree with?

**RESPONSE:** My own view is that we need to pursue innovative ways to address climate change at the Federal, state, tribal and local level. I believe that advancing clean energy technology can help us address climate change, create jobs, and lead to a more secure energy future for our nation and consumers. If confirmed, I would be working to support and advance President Biden’s agenda.

3. Ms. Mallory, as you know, in 2018, a number of federal agencies with infrastructure permitting responsibilities signed a memorandum of understanding under which they agreed to complete a single environmental review, where possible, and to cooperate when making authorization decisions for major infrastructure projects. This approach has received wide, bipartisan support in the Senate as it was included in the America’s Transportation Infrastructure Act as Section 1301 – “One Federal Decision.” If confirmed, how would you use your role to encourage federal agencies to cooperate and issue timely decisions on projects – like infrastructure – which often require approval from multiple federal agencies?

**RESPONSE:** If confirmed, I would encourage Federal agencies to use established best practices for coordinating environmental reviews and authorizations necessary for permitting major infrastructure projects. I would encourage frequent and early dialogue between agencies to reach consensus on project issues so that informed decisions may be made in a timely manner. I also would encourage greater use of technology to assist in the development and accessibility of analytical tools that can expedite processes.

**Senator Cramer:**

1. Regarding the NEPA modernization rule finalized under the Trump administration, you stated: “you almost don’t have a choice but to remove the whole thing.” CEQ found the current average length of an EIS to be 4.5 years, which is about as long as the DAPL pipeline has already been operating safely without issues.

- a. Considering NEPA will fall squarely under your purview should you be confirmed, what do you believe is a reasonable timeline for an EIS and an EA?

**RESPONSE:** If confirmed, I will work with CEQ’s legal and policy staff to consider the issue of timelines and find ways to encourage accurate scheduling, sound and efficient

**decision making, and improved environmental and community outcomes. The timelines will vary given the nature and complexity of projects but the goal is to achieve effective outcomes in an efficient manner.**

2. If confirmed, you will be directed to review siting and permitting process under the Federal Permitting Improvement Steering Council and identify steps to accelerate the deployment of energy and transmission projects in an environmentally stable manner.
  - a. Will you commit to promoting the continued use of the Permitting Dashboard?
  - b. According to President Biden’s climate plan, the President promised to “accelerate the development” of Carbon Capture, Use and Sequestration (CCUS) technology. Fossil fuel generation will continue to play a key role, particularly as CCUS solutions are developed and become market ready. Will you commit to ensuring that these types of infrastructure projects can also be fast tracked under this process?

**RESPONSE: (a) The Permitting Dashboard contains useful information on project status and is a tool designed to promote transparency. If confirmed, I would work with the Federal Permitting Improvement Steering Council and other Federal partners to explore whether and how the Dashboard can be most useful in advancing President Biden’s multi-faceted agenda of having evidence-based decisions, community engagement, and projects completed on reasonable schedules.**

**(b) The Consolidated Appropriations Act of 2021 added Carbon Capture, Use and Sequestration (CCUS) projects as a new sector of projects eligible for FAST-41 coverage. If confirmed, I would work with the CEQ policy and legal staff to understand and meet CEQ’s responsibilities with respect to CCUS.**

3. You were a member of the Climate 21 Project Steering Committee. The Climate 21 Project recommended establishing a carbon bank using the Commodity Credit Corporation to finance land management practices. My colleague and chairwoman of the Senate Agriculture Committee, Chairwoman Stabenow, has advocated for similar recommendations, stating that she will pursue climate actions are “voluntary, producer-led.”
  - a. Do you agree that producer participation in a carbon bank should be voluntary, and remain voluntary?
  - b. If such a plan is developed, will you commit to meeting with, and listening to, agricultural producers before a plan is finalized?

**RESPONSE: I support innovative ways to address climate change at the Federal, state, tribal, and local level. I believe that advancing clean energy technology can help us address climate change, create jobs, and lead to a more secure energy future for our nation and consumers. I also believe in the importance of gathering broad stakeholder input before policy decisions are made.**

4. President Biden has set up two different climate czars in John Kerry and Gina McCarthy and executive orders continue to roll out, many of the well-known rolls at CEQ, EPA, Interior, etc. have been called into question. What do you believe your role will be at CEQ within this new hierarchy?

**RESPONSE:** If confirmed, I look forward to supporting President Biden's efforts with a whole-of-government approach to combat the climate crisis. Where implementation decisions are in CEQ's purview, I will carry out my responsibilities as Chair, make my own independent judgment with respect to any decision that is delegated to me by Congress, and be accountable for those decisions. I will collaborate with the President's staff and other members of the Administration on overlapping issues.

**Senator Wicker:**

1. In July 2020, the Council on Environmental Quality finalized a series of commonsense changes to the National Environmental Policy Act (NEPA). These changes could be pivotal in advancing conservation efforts. Mississippi, along with the four other Gulf states, has diligently pursued coastal restoration efforts following the BP Deepwater Horizon Oil Spill in 2010. Streamlining environmental regulations ensures these projects are able to advance in a timely manner while minimizing administrative costs. Do you agree that timely NEPA reviews are important to ensure the timely completion of coastal restoration and hurricane protection projects?

**RESPONSE:** Coastal restoration and hurricane protection are important for the protection of the environment and public health. If confirmed, I would work with CEQ's legal and policy staff to find ways to encourage sound and efficient decision making with respect to these projects.

2. If confirmed as Council on Environmental Quality Chair, you would serve as a member of the Interagency Working Group on Illegal, Unreported, and Unregulated (IUU) Fishing in accordance with the Maritime SAFE Act, which passed as part of the National Defense Authorization Act for Fiscal Year 2020 (P.L. 116-92 § 3551). This working group is in charge of directing a whole-of-government approach to respond appropriately to the threat that illegal, unreported, and unregulated fishing poses to our oceans and our domestic seafood industry. Will you ensure that the Council on Environmental Quality participates fully in its role as a coordinating agency for implementing the Maritime SAFE Act?

**RESPONSE:** If confirmed, I look forward to being briefed by CEQ staff about this issue. I am committed to transparency and to following the law.

3. If confirmed, you would also serve as Co-Chair of the Interagency Ocean Policy Committee. Under the National Defense Authorization Act for Fiscal Year 2021 (P.L. 116-283 § 1055(b)), the Committee is charged with continuing the activities of the Committee as it existed on the day the law was enacted, including engaging stakeholders like regional ocean partnerships; facilitating coordination and integration of federal ocean and coastal-related activities in policy, research, technology, and data needs; and implementing the National Oceanographic Partnership Program. Do you agree that codification of the Interagency Ocean Policy Committee represents a success for U.S.

ocean policy, and would you commit to fully supporting and carrying Committee activities as Congress intended?

**RESPONSE:** If confirmed, I look forward to being briefed by CEQ staff about this issue. I am committed to transparency and to following the law.

4. The Interagency Ocean Policy Committee is overseeing interagency efforts to increase the efficiency of permitting for ocean exploration, mapping, and research activities and implement a national strategy to map, explore, and characterize U.S. waters. Given the importance of exploration activities in enhancing our understanding of the ocean and its resources, and Congress's recent action to statutorily authorize the Committee, how would you commit to continuing and strengthening those interagency efforts?

**RESPONSE:** If confirmed, I look forward to being briefed by CEQ staff about this issue. I am committed to transparency and to following the law.

**Senator Sullivan:**

1. President Biden signed an executive order that revoked the Trump administration executive order on expediting NEPA reviews for high priority projects. The Biden Administration has also announced it will review the past Administration's updates to the NEPA regulations as well as guidance documents. NEPA has morphed from its original intent to provide transparency and better decision making to a tool for single minded activist that has increased the volume and complexity of NEPA documents and the related litigation. We need the NEPA process to be more reasonable. It should not take five to six years to complete an Environmental Impact Statement and cost over \$2 million. It should not take nearly 14 years to permit the Gross Reservoir in Colorado. In my home state it took 20 years to permit the Kensington gold mine. New federally funded highways projects shouldn't take between 9 and 19 years from planning and permitting to completion.

- a. What is your view of the NEPA regulatory amendments that were finalized last year and will you commit to working with my staff and with stakeholders in Alaska on as you review these amendments?

**RESPONSE:** If confirmed, I look forward to being briefed by CEQ staff about how the 2020 NEPA regulations advance President Biden's multi-faceted agenda of having evidence-based decisions, community engagement, and projects completed on reasonable schedules. I will work with staff on opportunities to engage with stakeholders, including stakeholders in Alaska, and Congress, including you and your staff.

- b. You have challenged natural gas infrastructure through the SELC in the past, do you believe the energy sector, energy jobs, and energy infrastructure are vital to the US economy?

**RESPONSE:** I have not personally worked on any natural gas projects in my short tenure with SELC. I do believe that the energy sector and related jobs and infrastructure are important to the economy. President Biden's Executive Order 14008 on Tackling the Climate Crisis at Home and Abroad launched a whole-of-government approach to address the climate crisis and capture economic opportunities that come from modernizing our infrastructure and putting

America on a path to achieve net-zero emissions, economy-wide by 2050. These actions will empower workers to rebuild infrastructure, supporting construction, manufacturing, engineering, and skilled-trades jobs needed to build back better. The Executive Order will help to revitalize energy communities by establishing a working group on economic revitalization to prioritize support for coal and power plant communities while creating good-paying union jobs like plugging leaks from oil and gas wells, reclaiming abandoned mine land, and turning idled sites like brownfields into new hubs for economic growth. If confirmed, I look forward to working as part of the President's team as we work to position U.S. workers to capture jobs in clean energy and resilient infrastructure while we address the needs of people across the energy sector.

- c. Extended NEPA reviews also affect renewable energy and zero emissions projects. Should these project be subject to exhaustive 5 to 10 yearlong reviews particularly given the Biden administration's state goals to rapidly expand renewable energy?

**RESPONSE:** I support President Biden's focus on the expansion of renewable energy. If confirmed, I would work with my legal and policy staff to consider the issue of timelines and find ways to encourage accurate scheduling, sound and efficient decision making, and improved environmental and community outcomes.

- d. What about Natural Gas production and pipeline project that offer lower emissions and have helped reduce U.S. emissions since 2005?

**RESPONSE:** I am aware that natural gas has played a role in displacing other, more carbon-intensive fuel sources. If confirmed, I look forward to learning more from CEQ staff about what future role natural gas can play in reducing U.S. emissions as we strive toward a net zero economy.



Senator CARPER. Thank you very, very much for that statement and now, I would ask Janet McCabe to proceed with her opening remarks. Ms. McCabe? Welcome.

**STATEMENT OF HON. JANET McCABE, NOMINEE TO BE DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY**

Ms. McCABE. Thank you so much, Chairman Carper, Ranking Member Capito, members of the committee. I am honored to appear before you and grateful for your time this morning.

It is so humbling that President Biden has nominated me to serve as Deputy Administrator of the Environmental Protection Agency. If confirmed, it will be a tremendous honor to return to the agency and to work collaboratively with you, with EPA's many partners, and the wonderful EPA staff to protect the health of American families, communities, and our environment. I am eager for your questions today and to hear from you about your priorities for your constituents.

I would like to thank my family: my husband Jon Laramore, who's here with me today.

Senator CARPER. Jon, would you raise your hand? Would you raise both hands?

[Laughter.]

Ms. McCABE. My children, Peter, Alice, and Dan, and my little baby grandson, Remy, who gives a whole new meaning to my work and my commitment to creating a healthier, safer, and brighter future. I am so grateful for their support.

Senator CARPER. How old is Remy?

Ms. McCABE. He is 16 months.

Senator CARPER. Is he being supportive?

Ms. McCABE. He is a tremendous support. I got a photo from him in his highchair yesterday.

Senator CARPER. Good. All right.

Ms. McCABE. Since the start of my career, I have had the privilege to contribute to creating healthier, more livable communities for all Americans. I learned early on how poor air quality can worsen asthma and other respiratory problems, leading to higher medical bills, missed days of school and work, and an overall diminished quality of life.

Air pollution is connected with heart disease, cancer, and birth defects. It shortens lives. These and other public health issues facing our fellow Americans have motivated my work.

I have spent most of my career working for State and Federal environmental agencies in Massachusetts, my long-time adopted home State of Indiana, and at the EPA, with a focus on implementation of the Clean Air Act and other air quality issues. During my seven and a half years in the EPA's office of Air and Radiation, I worked on the entire range of air quality issues and became very familiar with the core operations of the agency.

During that time, I got to know and admire many of the fine career staff. They come to work every day committed to helping the American people live healthier, more productive lives. I can't say enough about the public servants in our government, State and

Federal, who do what the public expects of them, from one Administration to the next.

At EPA, it is the scientists, the program staff, the regional teams, the environmental justice leaders, the individuals who support all the agency day-to-day operations, and so many more who truly fulfill the agency's mission of protecting human health and the environment. If confirmed, it will be an honor for me to join them once again and support their work on behalf of public health and the environment.

When I worked in the Office of Air and Radiation at EPA, I focused on the critical partnership between EPA and the States. I know from my own experiences in both State and Federal agencies that the Federal-State partnership is fundamental to achieving progress, overcoming complex challenges, and delivering for the American people.

This relationship requires openness, transparency, flexibility, and a willingness to listen, even if there are times when we do not agree. Being open and willing to listen to all stakeholders is how EPA should be doing its business, and if I am confirmed, I will be guided by a commitment to fostering open dialog and giving as many as possible a seat at the table.

While at EPA, I also worked hard to strengthen the relationship between the headquarters and the ten regional offices. We worked on streamlining reviews and approvals, improving communication with our State partners, ensuring consistent implementation of national programs, and valuing the expertise that each person brought to the issues.

In addition to my government service, I previously served as Executive Director of a small children's environmental health non-profit in Indianapolis, where I got to work directly with families worried about lead paint or clean water. That work was so rewarding and gave me a better understanding of how challenging these issues can be for families around the Country. If confirmed, I will work to ensure that all children can share equally in the promise of clean water to drink, clean air to breathe, and the opportunity to lead a healthy and productive life.

In my more recent work with Indiana University and the Environmental Resilience Institute there, I have worked with many local governments across Indiana developing resources and tools to help them address the environmental challenges they face, listening to them first to find out what their needs were, and how the university could help, making their communities healthier and more economically vital.

From all of my experience, I know firsthand that our programs to improve public health and protect our environment are strongest when they are informed by a diversity of perspectives and rooted in science, transparency, and the law.

As the grandmother of one little boy and with another grandchild due to arrive later this month, I promise that if I am given the opportunity, I will work alongside our talented EPA staff to help ensure that all of our children and grandchildren can grow up in a cleaner, healthier, and more equitable world.

If confirmed, I would be honored to work with Secretary Regan and all of you to make that a reality.

I look forward to your questions, and thank you again for your time this morning.

[The prepared statement of Ms. McCabe follows:]

**Statement of Janet McCabe  
Nominee for the Position of Deputy Administrator of the  
United States Environmental Protection Agency  
Before the  
Committee on Environment and Public Works  
United States Senate  
March 3, 2021**

Thank you, Chairman Carper, Ranking Member Capito, and Members of the Committee. I am honored to appear before you and am grateful for your time this morning.

It's humbling that President Biden has nominated me to serve as Deputy Administrator for the Environmental Protection Agency. If confirmed, it will be an honor to return to the agency and to work collaboratively with you, EPA's many partners and the wonderful EPA staff to protect the health of American families, communities, and our environment. I am eager for your questions today and to hear from you about your priorities for your constituents.

I would like to thank my family – my husband Jon, my children Peter, Alice, and Dan, and my 16-month-old grandson, who gives a whole new meaning to my work and commitment to creating a healthier, safer, and brighter future. I am grateful for their support.

Since the start of my career, I have had the privilege to contribute to creating healthier, more livable communities for all Americans. I learned early on how poor air quality can worsen asthma and other respiratory problems, leading to higher medical bills, missed days of school and work, and an overall diminished quality of life. Air pollution is connected with heart disease, cancer and birth defects. It shortens lives. These and other public health issues facing our fellow Americans have motivated my work.

I have spent most of my career working for state and federal environmental agencies in Massachusetts, my long-time adopted home state of Indiana, and at the EPA, with a focus on implementation of the Clean Air Act and other air quality issues. During my seven and a half years in EPA's Office of Air and Radiation, I worked on the entire range of air quality issues and became familiar with the core operations of the agency.

During that time, I got to know and admire many of the fine career staff. They come to work every day committed to helping the American people live healthier, more productive lives. I can't say enough about the public servants who do the work the public expects of them – from one administration to the next. At EPA, it's the scientists, the program staff, the regional teams, our environmental justice leaders, the individuals who support all agency operations, and so many more who truly fulfill the agency's mission of protecting human health and the environment. If confirmed, it will be an honor to join them once in again and support their work on behalf of public health and the environment.

When I worked in the Office of Air and Radiation at EPA, I focused on the partnership between EPA and the states. I know from my experiences in both state and federal agencies that the federal-state partnership is fundamental to achieving progress, overcoming complex challenges, and delivering for the American people. This relationship requires openness, transparency, flexibility, and a willingness to listen, even if there are times when we do not agree. Being open and willing to listen to all stakeholders is how EPA should be doing its business. If confirmed, I would be guided by a commitment to fostering open dialogue and giving as many as possible a seat at the table.

While at EPA, I also worked hard to strengthen the relationship between the headquarters and 10 regional offices. We worked on streamlining reviews and approvals, improving communication with state partners, ensuring consistent implementation of national programs, and valuing the expertise that each staff person brought to the issues.

In addition to my government experience, I previously served as Executive Director of a small children's environmental health nonprofit in Indianapolis. Working directly with families worried about lead paint or clean water was extremely rewarding and gave me a better understanding of how challenging these issues can be for families around the country. If confirmed, I will work to ensure that all children can share equally in the promise of clean water to drink, clean air to breathe, and the opportunity to lead a healthy and productive life.

In my more recent work with the Indiana University Environmental Resilience Institute, I have worked with many local governments in Indiana, developing resources and tools to help them address the environmental challenges they face, making their communities healthier and more economically vital.

From all of my experience, I know firsthand that our programs to improve public health and protect our environment are strongest when they are informed by a diversity of perspectives, and rooted in science, transparency, and the law.

As the grandmother of a baby grandson and with another grandchild due to arrive this month, I promise that if given the opportunity, I will work alongside our talented EPA staff to help ensure that all of our children and grandchildren can grow up in a cleaner, healthier, more equitable world.

If confirmed, I would be honored to work with Secretary Regan, if he is confirmed, and all of you to make that a reality. I look forward to your questions.

Thank you.

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**Senate Committee on Environment and Public Works**  
**Hearing entitled, "*The Nominations of Brenda Mallory to be a Member and Chair of the*  
*Council on Environmental Quality and Janet McCabe to be Deputy Administrator of the*  
*Environmental Protection Agency.*"**

**March 3, 2021**

**Questions for the Record for Janet McCabe**

**Senator Carper:**

1. One of the largest sectors of direct particulate matter pollution nationwide comes from old residential wood heating sources. Air pollution from old wood heaters are creating real air quality issues in many parts of the issues and causing some communities to struggle to meet the National Ambient Air Quality Standards for fine particulate matter. In 2015, EPA issued the Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters and Forced-Air Furnaces (2015 NSPS), which in addition to new emission standards for wood heaters, required more transparency in the testing and certification process by requiring certification test reports to be publicly posted.
  - a. State air directors from the northeast and Alaska have reported that it is difficult to find test reports or the underlying testing data used to certify wood heaters are meeting the 2015 NSPS. State officials have also flagged that important test data that should be public has been withheld under claims of confidential business information. If confirmed, do you commit to holding meetings with states and the wood heater industry to improve transparency and accessibility of the testing and certification data as required by the 2015 NSPS and which is needed by the states and the public?
  - b. State officials from several northeast states and Alaska have voiced concerns about EPA's current certification process that ensures new wood heaters meet the 2015 NSPS. For example, EPA in 2015 delegated a number of test review responsibilities to outside 3rd parties to ensure that lab tests are done appropriately, but these reviewers can include the labs themselves that did the testing, which raises serious concerns over possible conflicts of interest. In addition, those within the industry who have put resources toward developing high performing wood heaters have raised issues on the 2015 NSPS certification process. Will you commit to holding meetings with states and the wood heater industry to improve the certification process to ensure certified new wood heaters are in fact meeting the 2015 NSPS.

**RESPONSE:** If confirmed and asked by Administrator Regan to support his decision-making regarding wood heaters, I would confer with the legal and policy teams at EPA, and ensure that the Agency is doing appropriate outreach to states, industry, and other stakeholders regarding the certification process for wood heaters.

**Senator Capito:**

1. If you are confirmed as Deputy Administrator, will the Agency prioritize staff and resources to address climate issues arising out of the Office of Air and Radiation over critical programs like Superfund and Brownfields out of the Office of Land and Emergency Management?

**RESPONSE:** As I explained at the hearing, the main reason I am so honored to be considered for this position is because my main job, as I understand it, would be to support the amazing EPA workforce. At EPA, it's the scientists, the program staff, the regional teams, the environmental justice leaders, the individuals who support all the Agency day-to-day operations, and so many more who truly fulfill the Agency's mission of protecting human health and the environment. If confirmed, it will be an honor for me to join them once again and support the work of all EPA programs on behalf of public health and the environment.

2. Do you agree that focusing on environmental justice means prioritizing the Superfund and Brownfields programs?

**RESPONSE:** Securing environmental justice for communities most overburdened by and vulnerable to pollution is a priority for Administrator Regan. If confirmed, I will work with him and EPA's policy, legal, and environmental justice teams to ensure that EPA's decision-making and program implementation consider equity and environmental justice impacts and that the federal environmental protection and civil rights laws are enforced. All communities are entitled to clean air, clean water, and a clean environment and the Superfund and Brownfield programs are tools for EPA to use when tackling environmental justice.

3. Do you support directly regulation of greenhouse gas emissions from U.S. manufacturing facilities?

**RESPONSE:** If confirmed, I look forward to working to implement the provisions of the President's Executive Order 13990 on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* in my capacity as EPA Deputy Administrator. I commit to conducting my work, including any work I am asked to do on greenhouse gas regulations, at EPA in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA.

4. Does the Clean Air Act allow EPA to take into account international competitiveness in setting emissions standards?

**RESPONSE:** If confirmed and asked by Administrator Regan to support his decision-making with respect to Clean Air Act programs, I would confer with the legal and policy teams at EPA to address the specifics of each rulemaking.

5. Do you support policies that increase transparency in scientific analysis?

**RESPONSE:** From all of my experience, I know firsthand that EPA's programs to improve public health and protect our environment are strongest when they're informed by a diversity of perspectives, and rooted in science, transparency, and the law.

6. Do you believe that the American public should have access to underlying scientific data used to make consequential and costly regulatory decisions?

**RESPONSE:** Like Administrator Regan, I am committed to conducting the Agency's work in a transparent manner, as scientific integrity and evidence-based policymaking are restored throughout EPA. I intend to support the restoration of the role of science and transparency at EPA.

7. The National Academies of Sciences, Engineering, and Medicine recently released a report, *The Use of Systematic Review in EPA's Toxic Substances Control Act Risk Evaluations*, which included recommendations to EPA to improve review methods for assessments. Following the release of the report, EPA issued a press release announcing that the Agency "is not using, and will not again use, the systematic review approach that was reviewed by the Academies" and that EPA has already begun efforts to "incorporate approaches from the Integrated Risk Information System (IRIS) Program."<sup>1</sup> Specifically, which IRIS approaches will OCSPP incorporate into the TSCA systematic review protocol?

**RESPONSE:** I am not yet familiar with the issues regarding systematic review under TSCA and defer to current EPA officials on the specifics of this recent action. Like Administrator Regan, I am committed to conducting the Agency's work in a transparent manner, as scientific integrity and evidence-based policymaking are restored throughout EPA. If confirmed, I look forward to learning more about this issue from the science and programmatic teams at EPA who address risks from toxic chemicals.

8. On February 9, 2021, EPA put out a press release, "EPA Takes Action to Protect Scientific Integrity" and removed the PFBS toxicity assessment from EPA's website. EPA also removed a memorandum from OCSPP staff explaining areas of agreement and disagreement between OCSPP and ORD on the PFBS toxicity assessment. The Biden Administration has continually emphasized that it is "restoring trust in government through scientific integrity and evidence-based policymaking." Transparency is key to public trust and scientific integrity, which is why it is important to make scientific information publicly available. What was the scientific reason for removing the memorandum that was written by OCSPP career staff from EPA's website and making the scientific information in the memorandum inaccessible to the public?

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<sup>1</sup> <https://www.epa.gov/newsreleases/epa-commits-strengthening-science-used-chemical-risk-evaluations>



**RESPONSE:** I defer to current EPA officials on the specifics of this recent action. Like Administrator Regan, I am committed to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. If confirmed, I look forward to learning more about this issue from the science and programmatic teams at EPA who address risks from toxic chemicals.

9. We've heard from many individuals across the aisle that there is a need for certainty in permitting activities to ensure the ability of energy projects, including clean energy projects, to move forward quickly, while acknowledging the need to ensure compliance with statutory timelines and environmental review requirements. Do you believe that Clean Water Act Section 401 requires state agencies to act on a Section 401 water quality certification in a "reasonable period of time" and that such time shall not exceed one year?

**RESPONSE:** While I understand that Clean Water Act section 401 includes a one-year timeframe, I am not personally familiar with its implementation. If confirmed and asked by Administrator Regan to support his decision-making with respect to Clean Water Act section 401, I would confer with the legal and policy teams at EPA to better understand this issue.

10. Do you agree that a state waives its Clean Water Act Section 401 certification authority if it fails or refuses to act within the "reasonable period of time" established by the statute?

**RESPONSE:** I am not personally familiar with implementation of Clean Water Act section 401. If confirmed and asked by Administrator Regan to support his decision-making with respect to Clean Water Act section 401, I would confer with the legal and policy teams at EPA to better understand this issue, including appropriate timelines for state action.

11. Do you believe the scope of a state's review of a request for a Section 401 water quality certification should be limited to water quality issues?

**RESPONSE:** I am not personally familiar with implementation of Clean Water Act section 401. If confirmed and asked by Administrator Regan to support his decision-making with respect to Clean Water Act section 401, I would confer with the legal and policy teams at EPA to better understand this issue, including the appropriate scope of state certification.

12. It was recently reported that if Mr. Regan is confirmed by the Senate, he may consider an approach for defining "waters of the United States" that takes elements of both the Obama and Trump administration's competing policies to address concerns from multiple stakeholders.<sup>2</sup> Do you agree with this approach?

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<sup>2</sup> <https://insideepa.com/daily-news/regan-suggests-potential-middle-ground-wotus-policy-biden-epa>

**RESPONSE:** I defer to Administrator Regan on any plans regarding Clean Water Act jurisdiction. However, I know in his confirmation hearing he shared his plans to look back at what EPA has learned, what worked, and what didn't, and to apply those lessons to how EPA moves forward. If confirmed and asked by Administrator Regan to support his decision-making with respect to Clean Water Act jurisdiction, I would look forward to joining him in this effort.

13. Which, if any, aspects of the 2015 WOTUS Rule do you support?

**RESPONSE:** I defer to Administrator Regan on policy judgments related to the 2015 rule or any future EPA action. If confirmed and asked by Administrator Regan to support his decision-making with respect to Clean Water Act jurisdiction, I would confer with the legal and policy teams at EPA to understand the options before the Agency as we move forward.

14. From a policy and regulatory perspective—how do you define environmental justice?

**RESPONSE:** Securing environmental justice for communities most overburdened by and vulnerable to pollution is a priority for Administrator Regan. If confirmed, I will work with him and EPA's policy, legal, and environmental justice teams to ensure that EPA's decision-making and program implementation consider equity and environmental justice impacts and that the federal civil rights and environmental protection laws are enforced. All communities are entitled to clean air, clean water, and a clean environment.

15. Do you believe there should be a consistent definition of environmental justice across all federal agencies engaged on environmental justice policies?

**RESPONSE:** President Biden issued Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, on January 20, 2021. For purposes of this order, the term "equity" means the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. If confirmed, I will work with Administrator Regan and EPA's policy, legal, and environmental justice teams to implement this Executive Order and ensure that EPA's decision-making and program implementation consider equity and environmental justice impacts and that the federal civil rights and environmental protection laws are enforced.

16. If confirmed, how do you plan to integrate environmental justice into agency decision making?

**RESPONSE:** On January 20, 2021, President Biden issued Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, which states: “It is therefore the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all, including people of color and others who have been historically underserved, marginalized, and adversely affected by persistent poverty and inequality.” The Executive Order directs each agency, including the EPA, to integrate equity into its policies and programs. If confirmed, I will work with Administrator Regan and EPA’s policy, legal, and environmental justice teams to implement this Executive Order.

17. Do you agree that renewable energy sources and infrastructure can pose environmental inequities for communities in which they are sited?

**RESPONSE:** As I discuss above, all communities are entitled to clean air, clean water, and a clean environment and all sources of energy have tradeoffs. If confirmed, I will work with Administrator Regan and EPA’s policy, legal, and environmental justice teams to ensure that EPA’s decision-making and program implementation consider equity and environmental justice impacts and that the federal civil rights and environmental protection laws are enforced.

18. How will energy poverty, in the form of less resilience, less reliability, and higher costs, be taken into consideration for environmental justice?

**RESPONSE:** Low-income households pay more, as a percentage of their income, on energy, making them more vulnerable to price increases. That’s why energy efficiency programs, which lower energy consumption and therefore energy bills, are so important for consumers as well as the environment. As a matter of course in Agency rulemakings and per relevant federal Executive Orders and guidance, EPA performs regulatory impact analyses to quantify, to the extent feasible, the likely benefits and costs of certain regulatory options. When relevant to the rulemaking, EPA examines industry compliance costs, impacts on fuel and electricity prices, and impacts on electricity bills. To the extent allowed by law, EPA takes these quantified costs and benefits into account when choosing a regulatory path.

19. Do you agree that poverty has negative health outcomes, including deaths of despair such as drug overdose or suicide?

**RESPONSE:** Yes.

20. Should economic harm resulting from environmental regulations that are likely to increase poverty be considered an environmental justice issue and factored into federal cost-benefit analyses as a net-negative health effect?

**RESPONSE:** As a matter of course in Agency rulemakings and per relevant federal Executive Orders and guidance, EPA performs regulatory impact analyses to quantify, to the extent feasible, the likely benefits and costs of certain regulatory options. When relevant to the rulemaking, EPA examines industry compliance costs, impacts on fuel and electricity prices, impacts on electricity bills, and net employment impacts. To the extent allowed by law, EPA takes these quantified costs and benefits into account when choosing a regulatory path.

21. Do you feel that the effects of poverty in rural and urban environmental justice communities are functionally similar?

**RESPONSE:** Even before the COVID-19 pandemic, rising economic inequality meant that too many families were struggling to make ends meet. Many communities, particularly rural communities and communities of color, face compounding challenges posed by inadequate infrastructure investment, generational poverty, racism, poor health, and addiction. President Biden's Build Back Better agenda focuses on rooting out these systemic inequalities, ensuring every American has an equal chance to get ahead, and investing in America's most underserved communities.

22. Do you agree that environmental injustice in disadvantaged communities is exacerbated by policies which seek to ban natural gas as a reliable, clean, and affordable energy source?

**RESPONSE:** I am not aware of any studies that demonstrate this causal link.

23. Do you view access to jobs and energy affordability as a justice issue for poor and disadvantaged communities?

**RESPONSE:** Yes. Low-income households pay more, as a percentage of their income, on energy. Moreover, any community, particularly rural communities and communities of color, face compounding challenges posed by inadequate infrastructure investment, generational poverty, racism, and poor health. These are complex challenges that require complex, multi-faceted solutions, including smart investment to create good-paying, family-sustaining jobs. These investments are at the heart of President Biden's Build Back Better agenda.

24. Low-income families and communities spend a larger share of their budget on energy costs compared to middle- and upper-class families. Do you agree that increased energy costs have a disproportionate impact on low-income families and communities?

**RESPONSE:** Low-income households pay more, as a percentage of their income, on energy.

25. If confirmed, will you take into account the impact of higher energy costs that would result from environmental regulations under consideration?

**RESPONSE:** As a matter of course in Agency rulemakings and per relevant federal Executive Orders and guidance, EPA performs regulatory impact analyses to quantify, to the extent feasible, the likely benefits and costs of certain regulatory options. When relevant to the rulemaking, EPA examines industry compliance costs, impacts on fuel and electricity prices, and impacts on electricity bills. To the extent allowed by law, EPA takes these quantified costs and benefits into account when choosing a regulatory path.

26. Terry O’Sullivan, General President of the Laborers’ International Union of North America, recently stated, “It’s pie in the sky bullshit about these green jobs being good middle-class jobs, because they’re not. I’m concerned about union members and union families being left behind... and I think they’ve already been left behind.” Do you agree with Mr. O’Sullivan?

**RESPONSE:** President Biden has demonstrated strong support for workers’ right to organize and collectively bargain for better wages, benefits, and working conditions. On March 9, 2021, President Biden urged Congress to pass the Protecting the Right to Organize (PRO) Act of 2021 to “build a future that reflects working people’s courage and ambition, and offers not only good jobs with a real choice to join a union — but the dignity, equity, shared prosperity and common purpose the hardworking people who built this country and make it run deserve.”

27. North America’s Building Trade Unions issued a 2020 report which found—“Many of the trades that work on oil and natural gas projects are not as prevalent on renewables projects, indicating that skilled trade jobs are not highly interchangeable between industries.” Do you agree with the report?

**RESPONSE:** President Biden has put jobs, economic growth, and cost savings for consumers at the center of his agenda to build a clean energy economy. This work will include reclaiming abandoned mines, plugging oil wells and building a new grid infrastructure capable of supporting the innovative technology we need to ensure we avoid the worst impacts of climate change. If confirmed, I look forward to joining the whole Biden-Harris team to tackle the climate crisis and engage with all stakeholders.

28. A power sharing agreement of the U.S. Senate enables us to run the Senate—and this Committee—in a spirit of fairness and cooperation. While Republicans are still considered the Minority, it is important to emphasize that we are under a unique 50-50 split in the Senate and have a mandate to continue to conduct meaningful oversight of the Agency and ensure this Administration does not make the same mistakes that political appointees made under the Obama-Biden Administration. In light of this unique situation, if confirmed, do you commit to granting the Minority equal access to

information and documents, including any necessary briefings and discussions with Agency personnel?

**RESPONSE:** I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

29. If confirmed, do you commit to holding all political appointees at your agency to this same standard?

**RESPONSE:** I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

30. If confirmed, will you commit to hosting public outreach and listening sessions in those states most likely to be negatively impacted by a proposed rulemaking?

**RESPONSE:** If confirmed, I am absolutely sincere in my commitment to involve the public in EPA rulemakings.

31. If confirmed, do you commit to provide the Ranking Member and Minority staff of the Committee notification and to consult with the Committee prior to any proposed or final action?

**RESPONSE:** I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

32. If confirmed and if requested, do you commit to make yourself and your staff available to provide additional information and briefings to the Committee on any action prior to it being taken by your agency?

**RESPONSE:** I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

33. If confirmed, will you commit to notifying the Committee of your participation in any matter involving any of your former employers or organization of which you are a part?

**RESPONSE:** I take seriously the ethical obligations of public service and, if confirmed, I expect to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. I also understand the importance of Congress' need to obtain information necessary to perform its

**legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.**

34. Is there any additional information you need to provide to the Committee at this time that you have previously failed to provide?

**RESPONSE: No.**

35. Do you commit to notifying the Committee immediately upon discovery of any additional failures to provide necessary information?

**RESPONSE: I am not aware of any information the Committee has requested that has not been provided.**

36. Will you commit to instructing all of your political staff to take the appropriate steps to avoid any appearance of having their impartiality questioned in the performance of their official duties?

**RESPONSE: I take seriously the ethical obligations of public service and, if confirmed, I expect to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. If confirmed, I will encourage and expect all EPA political staff to do the same.**

37. Do you believe that all political appointees should follow the Department of Justice (DOJ) ethics guidelines?

**RESPONSE: I take seriously the ethical obligations of public service and, if confirmed, I expect to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. If confirmed, I will encourage and expect all EPA political staff to do the same.**

38. If confirmed, will you commit to directing all political appointees at EPA to comply with DOJ ethics guidelines to recuse themselves for a one-year period from any matter in which their former employer whom they provided services to within the previous year is a party or represents a party?

**RESPONSE: I take seriously the ethical obligations of public service and, if confirmed, I expect to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. If confirmed, I will encourage and expect all EPA political staff to do the same.**

39. Do you commit to providing all ethics documents of political appointees, including those hired in administratively determined roles and authorities?

**RESPONSE: I take seriously the ethical obligations of public service and, if confirmed, I expect to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. If confirmed, I will encourage and expect all EPA political staff to do the same.**

40. Do you believe that agencies should clearly and transparently document its decisions?

**RESPONSE:** Like Administrator Regan, I believe it is important for all public servants to be as transparent as possible to Congress and to the public as EPA reviews information and makes decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, in accordance with the law, as scientific integrity and evidence-based policymaking are restored throughout EPA.

41. Do you believe that the public should have clarity on why an agency makes the decisions it makes, including the science on which those decisions are based?

**RESPONSE:** Like Administrator Regan, I believe it is important for all public servants to be as transparent as possible to Congress and to the public as EPA reviews information and makes decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, in accordance with the law, as scientific integrity and evidence-based policymaking are restored throughout EPA.

42. Should that science, including the associated data, be available to the public for review?

**RESPONSE:** Like Administrator Regan, I believe it is important for all public servants to be as transparent as possible to Congress and to the public as EPA reviews information and makes decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, in accordance with the law, as scientific integrity and evidence-based policymaking are restored throughout EPA.

43. If confirmed, do you commit to notifying the Committee of all of the email addresses you plan to use upon confirmation and also provide additional notice within seven days of using a new email address, including any aliases or pseudonyms?

**RESPONSE:** Like Administrator Regan, I believe it is important for all public servants to be as transparent as possible to Congress and to the public as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. With respect to the Agency's email policies, I commit to discussing these policies with EPA staff and considering their advice to determine the appropriate path forward.

44. If confirmed, do you commit to holding all of your political appointees to this standard?

**RESPONSE:** Like Administrator Regan, I believe it is important for all public servants to be as transparent as possible to Congress and to the public as EPA



looks at information and makes decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, in accordance with the law, as scientific integrity and evidence-based policymaking are restored throughout EPA. With respect to the Agency's email policies, I commit to discussing these policies with EPA staff and considering their advice to determine the appropriate path forward.

45. If confirmed, do you commit to conducting all business using official email addresses and other means and to refrain from any mediums that are outside the Freedom of Information Act's reach?

**RESPONSE:** Like Administrator Regan, I believe transparency is important as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. If confirmed, I commit to maintaining recordkeeping practices that are consistent with all applicable laws (including the Federal Records Act).

46. If confirmed, do you commit to holding all of your political appointees to this standard?

**RESPONSE:** Like Administrator Regan, I believe transparency is important as we look at information and develop decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. If confirmed, I commit to maintaining recordkeeping practices that are consistent with all applicable laws (including the Federal Records Act) and I will expect all Agency personnel to do the same.

47. If confirmed, do you commit to ensuring calendars for all the senior officials throughout are shared with the public?

**RESPONSE:** Like Administrator Regan, I believe it is important for all public servants to be as transparent as possible to Congress and to the public as EPA reviews information and makes decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, in accordance with the law, as scientific integrity and evidence-based policymaking are restored throughout EPA. I commit to discussing a calendar disclosure policy with EPA staff to determine the appropriate path forward.

48. If confirmed, do you commit to ensuring the calendar entries you share with the public are timely and contain meaningful details that will enable the public to understand how you are conducting yourself as leader of the Agency?

**RESPONSE:** Like Administrator Regan, I believe it is important for all public servants to be as transparent as possible to Congress and to the public as EPA reviews information and makes decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, in accordance

**with the law, as scientific integrity and evidence-based policymaking are restored throughout EPA. I commit to discussing a calendar disclosure policy with EPA staff to determine the appropriate path forward.**

49. If confirmed, do you commit to providing the Committee within seven days of any travel, details relating to travel and associated expenses, including lodging, paid for by the agency for any political appointee?

**RESPONSE: I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.**

50. If confirmed, do you commit to holding all of your political appointees to this standard?

**RESPONSE: Like Administrator Regan, I believe it is important for all public servants to be as transparent as possible to Congress and to the public as EPA reviews information and makes decisions for moving forward. If confirmed, I commit to conducting the Agency's work in a transparent manner, in accordance with the law, as scientific integrity and evidence-based policymaking are restored throughout EPA.**

51. If you are not committing to any of the preceding, please explain why.

**RESPONSE: I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.**

52. Many senior positions within the agency for which you have been nominated have been filled. This is concerning since this has taken place seemingly without your input or consent. Did the White House ask you for your input on the political staff it hired?

**RESPONSE: If confirmed, I look forward to joining the whole EPA team, including the longtime career staff and the recently onboarded non-career staff, so that together EPA can tackle this Administration's clear priorities for environmental protection.**

53. What was the role of the White House climate czars and staff in the selection of political staff already in place in agencies such as EPA?

**RESPONSE: I do not know.**

54. During this ongoing COVID-driven economic downturn, it is critical that American businesses have regulatory certainty for those businesses to manage their companies.

If confirmed, how will you prioritize policies and activities to provide regulatory certainty?

**RESPONSE:** Like Administrator Regan, I recognize the importance and value of regulatory certainty. If confirmed, I would support Administrator Regan EPA's efforts to protect public health and the environment and provide regulatory certainty.

55. If confirmed, will you regularly communicate to this Committee how you incorporate regulatory certainty into your agency's decision-making process?

**RESPONSE:** Like Administrator Regan, I recognize the importance and value of regulatory certainty. If confirmed, I look forward to joining the EPA team to understand lessons learned and options available as EPA moves forward to fulfill its mandate to protect public health and the environment. Furthermore, I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.

56. Do you believe agencies should regularly review existing policies to identify outdated and unnecessary policies to minimize costly duplication?

**RESPONSE:** EPA operates under several statutory authorities passed by Congress and signed by the President relative to Agency policies. If confirmed, I look forward to working with Administrator Regan and the expert EPA staff to ensure that EPA is abiding by these mandates in a way that is protective of public health and the environment but is not unduly burdensome.

57. Section 218 of Executive Order 14008 establishes an interagency working group focused—among other things—on steering federal resources to communities and individuals that will be harmed by the Biden Administration's energy and environmental policies. Can you elaborate on your understanding of the mission of this interagency working group?

**RESPONSE:** President Biden's Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. I am not familiar with EPA's efforts to implement this order, but if confirmed, I look forward to supporting Administrator Regan's efforts at EPA and would help him work with our federal colleagues to coordinate investments and other efforts to assist coal, oil and gas, and power plant communities.

58. Do you believe establishing an interagency work group is the most effective manner for the federal government to ensure "coal and power plant communities" will not be targeted and left behind?

**RESPONSE:** Interagency working groups are one tool that the executive branch has to coordinate investments and other efforts to assist coal, oil and gas, and

power plant communities. President Biden's Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. If confirmed and asked by Administrator Regan, I look forward to supporting EPA's work with our federal colleagues to coordinate efforts to assist coal, oil and gas, and power plant communities.

59. The Executive Order directs the interagency working group to submit a report making recommendations to President Biden within 60 days of it being signed. If confirmed, as a member of the interagency working group, do you commit to working with the Congressional delegations representing these communities as you develop recommendations?

**RESPONSE:** If confirmed, I look forward to supporting Administrator Regan's efforts at EPA and would help him work with our federal colleagues to coordinate investments and other efforts to assist coal, oil and gas, and power plant communities. I also understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests, including in relation to EPA's role in implementing Executive Order 14008.

60. If confirmed, do you commit to sharing a draft version of the report with myself and other representatives of these communities prior to finalization?

**RESPONSE:** This working group is not chaired by EPA and therefore I am unable to make this commitment.

61. If confirmed, do you commit to timely answering requests for information on the activities of the interagency working group from this Committee and the Congressional delegations representing these communities?

**RESPONSE:** I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests, including in relation to the implementation of President Biden's Executive Order 14008.

62. In January, the Washington Post fact-checked U.S. Climate Envoy, John Kerry after saying fossil fuel workers were being "fed a false narrative" on the renewable energy transition, saying, "*The same people can do those jobs. But the choice of doing the solar power one is a better choice.*" Do you agree with John Kerry that solar jobs are a better choice for fossil fuel workers?

**RESPONSE:** As I indicated during the hearing, any job loss can be devastating. There are communities across this country that are suffering, and the pandemic is making it worse. I agree that EPA should pay attention to the issues these

**communities and individuals who are struggling are facing, and I think that President Biden has reflected that commitment in his Executive Orders.**

63. If you are confirmed and the Biden Administration establishes the social cost of carbon (SCC), social cost of nitrous oxide (SCN), and social cost of methane (SCM), how will you ensure such a revision is based on the best available science?

**RESPONSE: If confirmed, I look forward to working to implement the provisions of the President's Executive Order 13990 on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* in my capacity as EPA Deputy Administrator. I commit to conducting my work at EPA in a transparent manner, in accordance with the law, as scientific integrity and evidence-based policymaking are restored throughout EPA.**

64. Should federal agencies consider *all* economic costs associated with the environmental regulatory decisions necessary to implement any proposed cost figures, including job losses, increased costs to consumers, and offshoring of American industries, businesses, and jobs?

**RESPONSE: If confirmed and asked by Administrator Regan to support his decision-making with respect to the economic costs associated with EPA's regulatory decisions, I will work with EPA's legal and policy teams to implement the statutes, as passed by Congress, and consider the costs and benefits of our policies and regulations in accordance with those statutes and federal guidance.**

65. Should the Biden Administration propose to revise the social cost of greenhouse gases and you are confirmed, will you commit to a process that includes public involvement, including a public notice and comment period, prior to such a revision?

**RESPONSE: If confirmed and asked by Administrator Regan to support his decision-making with respect to the Social Cost of Carbon, I commit to conducting the Agency's work in a transparent manner, in accordance with the law, as scientific integrity and evidence-based policymaking are restored throughout EPA. This commitment encompasses EPA's approach to public involvement in development of regulatory policy.**

66. In applying any SCC, SCN, and SCM estimates to regulatory proposals, will you take into account the emissions impact of offshoring American industry to places where those activities have higher emissions impacts?

**RESPONSE: If confirmed and asked by Administrator Regan to support his decision-making with respect to regulatory proposals, I commit to conducting the Agency's work in a transparent manner, in accordance with the law, as we restore scientific integrity and evidence-based policymaking throughout EPA. This commitment encompasses EPA's approach to public involvement in development of regulatory policy.**

67. Do you agree that our environment has improved over the last fifty years?

**RESPONSE:** Yes. We have made significant progress in improving air and water quality, cleaning up contaminated sites, and in many other dimensions. That progress is due in part to the establishment of EPA 50 years ago and the work of the Agency's professionals since. Despite this progress, communities in this country still face considerable challenges, and if confirmed, I look forward to helping Administrator Regan build on 50 years of progress at EPA.

68. If confirmed, do you plan on following the direction of the White House and revoking a long list of actions taken under the Trump Administration under Executive Order 13990, even if doing so would contribute to regulatory uncertainty?

**RESPONSE:** President Biden's Executive Order 13990 on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* lays out a clear timeline for the Agency's review of certain Trump Administration actions. If confirmed and asked by Administrator Regan to support his decision-making with respect to the implementation of this Executive Order, I will work with EPA staff, states, industry, labor, and other stakeholders to consider a range of views on how to move forward.

69. How will you balance environmental and economic considerations?

**RESPONSE:** EPA operates under statutory authority that directs how the Administrator balances environmental, economic, and other considerations. Within the contours of that authority, EPA conducts risk assessments, benefit-cost analysis, environmental justice reviews, and other analysis to inform the Administrator and the public about environmental and economic impacts of policy.

70. Do you pledge to work with industry, states, and technology experts to ensure commonsense, technically feasible, and economically viable environmental solutions are proposed and implemented?

**RESPONSE:** I am committed to rigorous stakeholder outreach in EPA's rulemakings and look forward to input from industry, states, and technology experts, among others.

71. On January 20, 2021, President Biden directed the Office of Management and Budget (OMB) to review and update OMB Circular A-4 through a Presidential Memorandum. OMB Circular A-4 is the overarching guidance document that dictates how to develop regulatory analysis. Do you believe there are gaps in Circular A-4 that require it to be revised?

**RESPONSE:** If confirmed, I commit to conducting the Agency's work in a transparent manner, as scientific integrity and evidence-based policymaking are restored throughout EPA. If confirmed, I look forward to being briefed by EPA staff about OMB Circular A-4 and the review directed by President Biden.

72. Please identify the gaps (if any) in Circular A-4 that should be addressed.

**RESPONSE:** If confirmed, I commit to conducting the Agency's work in a transparent manner, as we restore scientific integrity and evidence-based policymaking throughout EPA. If confirmed, I look forward to being briefed by EPA staff about OMB Circular A-4 and the review directed by President Biden.

73. Do you believe the American public's confidence and trust in regulatory decisions is increased when regulatory analysis is based on quantifiable analysis?

**RESPONSE:** If confirmed, I commit to conducting the Agency's work in a transparent manner, as scientific integrity and evidence-based policymaking are restored throughout EPA. Within the contours of applicable statutes, EPA works to quantify both costs and benefits of its regulatory actions.

74. If confirmed, will you commit that any revisions to OMB Circular A-4 will be subject to a public notice and comment period?

**RESPONSE:** I am not familiar with the details of the process regarding OMB Circular A-4. If confirmed, I look forward to being briefed by EPA staff about OMB Circular A-4 and the review directed by President Biden. More broadly, I commit to conducting the Agency's work in a transparent manner, as scientific integrity and evidence-based policymaking are restored throughout EPA.

75. If confirmed, will you pursue a balanced approach between regulatory costs, including increased costs passed along to American consumers, and environmental protection?

**RESPONSE:** EPA operates under statutory authority that directs how the Administrator balances environmental, economic, and other considerations. Within the contours of that authority, EPA conducts risk assessments, benefit-cost analysis, environmental justice reviews, and other analysis to inform the Administrator and the public about environmental and economic impacts of policy.

76. Under the Obama Administration, the direct, quantifiable benefits of a single rule, EPA's *Mercury and Air Toxics Standards*, were estimated in the millions, while compliance costs were \$9.6 billion annually. Should the direct, quantifiable benefits of a rule exceed its costs?

**RESPONSE:** EPA operates under statutory authority that directs how the Administrator balances environmental, economic, and other considerations. Within the contours of that authority, EPA conducts risk assessments, benefit-cost analysis, environmental justice reviews, and other analysis to inform the Administrator and the public about environmental and economic impacts of policy. Those evaluations are guided by statutes and OMB guidance with respect to how costs and benefits should be evaluated.

77. If you are confirmed, will you consider all costs of significant new regulations, including potential job losses and associated health impacts?

**RESPONSE:** EPA operates under statutory authority that directs how the Administrator balances environmental, economic and other considerations. Within the contours of that authority, EPA conducts risk assessments, benefit-cost analysis, environmental justice reviews and other analysis to inform the Administrator and the public about environmental and economic impacts of policy. If confirmed, I commit to supporting Administrator Regan in his efforts to do this work in a robust manner.

78. The White House's new memo on Modernizing Regulatory Review calls on agency heads to consider "public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations." How do you define each of those terms?

**RESPONSE:** President Biden's *Memorandum on Modernizing Regulatory Review* reaffirms principles of regulatory planning and review. If confirmed, I would look forward to being briefed by EPA staff about the memo and the issues it raises for the Agency to consider.

79. The White House's new memo on Modernizing Regulatory Review calls on agency heads to consider "public health and safety, economic growth, social welfare, racial justice, environmental stewardship, human dignity, equity, and the interests of future generations." If confirmed, what would you do in developing regulations if the organic statute does not include any or all of those considerations?

**RESPONSE:** President Biden's *Memorandum on Modernizing Regulatory Review* reaffirms principles of regulatory planning and review. If confirmed, I would look forward to being briefed by EPA staff about the memo and the issues it raises for the Agency to consider. EPA operates under statutory authority that directs how the Administrator balances environmental, economic, and other considerations. Within the contours of that authority, EPA conducts risk assessments, benefit-cost analysis, environmental justice reviews, and other analysis to inform the Administrator and the public about environmental and economic impacts of policy.

80. Does the definition of "interests of future generations" under the Modernizing Regulatory Review include debt or regulatory burdens?

**RESPONSE:** President Biden's *Memorandum on Modernizing Regulatory Review* reaffirms principles of regulatory planning and review. If confirmed, I would look forward to being briefed by EPA staff about the memo and the issues it raises for the Agency to consider.



81. Could a regulation be justified solely on international benefits?

**RESPONSE:** If confirmed, I would look forward to being briefed on issues such as this related to the appropriate consideration of costs and benefits in EPA's rulemakings.

82. In evaluating the costs of regulations, will you commit to present estimates of benefits and costs using discount rates that reflect the opportunity cost of capital for businesses?

**RESPONSE:** If confirmed, I would look forward to being briefed on issues such as this related to the appropriate consideration of costs and benefits in EPA's rulemakings.

83. In estimating benefits and costs, will you commit to identifying all major assumptions and uncertainties in the benefit and cost estimates?

**RESPONSE:** If confirmed, I would look forward to being briefed on issues such as this related to the appropriate consideration of costs and benefits in EPA's rulemakings. EPA operates under statutory authority that directs how the Administrator balances environmental, economic, and other considerations. Within the contours of that authority, EPA conducts risk assessments, benefit-cost analysis, environmental justice reviews, and other analysis to inform the Administrator and the public about environmental and economic impacts of policy. If confirmed, I would commit to supporting Administrator Regan in his efforts to do this work in a robust manner.

84. Will you also commit to conducting and presenting sensitivity and uncertainty analyses of those uncertainties?

**RESPONSE:** If confirmed, I would look forward to being briefed on issues such as this related to the appropriate consideration of costs and benefits in EPA's rulemakings. EPA operates under statutory authority that directs how the Administrator balances environmental, economic, and other considerations. Within the contours of that authority, EPA conducts risk assessments, benefit-cost analysis, environmental justice reviews, and other analysis to inform the Administrator and the public about environmental and economic impacts of policy. If confirmed, I would commit to supporting Administrator Regan in his efforts to do this work in a robust manner.

85. If confirmed, how will you ensure that other Federal agencies are not duplicating environmental policies defined as falling under another federal agency's authority?

**RESPONSE:** If confirmed, I look forward to working with Administrator Regan and the team at EPA to protect public health and the environment; I would also look forward to working with colleagues across the Administration to ensure that we implement President Biden's policies in an effective and coordinated fashion.

86. Do you agree that where Congress has elected not to legislate is as important as where it has legislated for the purposes of shaping executive policies?

**RESPONSE:** If confirmed, I look forward to working with Administrator Regan and the team at EPA to protect public health and the environment. I share Administrator Regan's commitment to follow the law, follow the science, and engage stakeholders.

87. Do you acknowledge that Congress has passed climate change legislation regarding specific matters, such as the recently passed AIM Act to regulate hydrofluorocarbons?

**RESPONSE:** Congress passed the AIM Act as part of the Consolidated Appropriations Act of 2021. It is my understanding that the AIM Act provides for a phase down of HFCs, as well as addressing complementary measures related to management of HFCs and sector-based technology transitions.

88. Do you acknowledge that the States and the people have demonstrated that they are able to take substantial and significant steps concerning climate change *without* requiring action at the federal level?

**RESPONSE:** Many states, companies, and members of the public have taken actions to address climate change. As I highlighted in my testimony, I know from my own experiences in both state and federal agencies that the federal-state partnership is fundamental to achieving progress, overcoming complex challenges, and delivering for the American people. For example, a goal of EPA's work on climate adaptation is to empower states, tribes, and local communities to anticipate and prepare for the impacts of climate change. This involves providing them with the technical information and tools they need to make more informed decisions and implement effective adaptation strategies.

89. Do you agree that at least some steps addressing climate change can be best taken by the states and the people rather than the federal government?

**RESPONSE:** Many states, companies, and members of the public have taken actions to address climate change. As I highlighted in my testimony, I know from my own experiences in both state and federal agencies that the federal-state partnership is fundamental to achieving progress, overcoming complex challenges, and delivering for the American people. For example, a goal of EPA's work on climate adaptation is to empower states, tribes, and local communities to anticipate and prepare for the impacts of climate change. This involves providing them with the technical information and tools they need to make more informed decisions and implement effective adaptation strategies.

90. Do you agree that Executive Branch agencies have only the powers delegated by Congress?

**RESPONSE:** I share Administrator Regan's commitment to follow the law. If confirmed, I look forward to working with Administrator Regan and the team at

**EPA to protect public health and the environment under the laws passed by Congress.**

91. Do you agree the obligation imposed by the Administrative Procedure Act and other statutes on agencies not to take actions that are arbitrary, capricious, or an abuse of discretion is a necessary and critical check and safeguard?

**RESPONSE:** If confirmed, I will rely on advice from EPA's legal team to ensure that EPA meets its obligations related to the Administrative Procedure Act. I share Administrator Regan's commitment to follow the law, follow the science, and engage stakeholders.

92. Do you commit to follow the Supreme Court's decision in *Michigan v. EPA*, 135 S. Ct. 2699 (2015)?

**RESPONSE:** If confirmed, I look forward to working with Administrator Regan and the team at EPA to protect public health and the environment. I share Administrator Regan's commitment to follow the law, follow the science, and engage stakeholders. I will rely on advice from EPA's legal team to inform the path forward on issues related to this and any other court decision.

93. If confirmed, will you commit to ensuring that your agency considers all significant costs and drawbacks of its actions, including localized impacts, and considers all potentially superior alternatives raised by stakeholders, except where Congress has affirmatively forbidden such consideration as a part of a specific regulatory process?

**RESPONSE:** EPA operates under statutory authority that directs how the Administrator balances environmental, economic, and other considerations. Within the contours of that authority, EPA conducts risk assessments, benefit-cost analysis, environmental justice reviews, and other analysis to inform the Administrator and the public about environmental and economic impacts of policy. If confirmed, I would commit to supporting Administrator Regan in his efforts to do this work in a robust manner.

94. I'm concerned because thus far, we've heard the Administration talk extensively about climate change and less so about other environmental issues. If confirmed, where specifically will PFAS rank within your priorities?

**RESPONSE:** President Biden and Administrator Regan have both highlighted the importance of their commitment to tackling PFAS pollution and protecting public health and the environment. If confirmed, I will support Administrator Regan's efforts to address PFAS pollution as a top priority for EPA.

95. With competing priorities across federal agencies and limited resources, what would your first significant action be to address PFAS?

**RESPONSE:** President Biden and Administrator Regan have both highlighted the importance of their commitment to tackling PFAS pollution and protecting

**public health and the environment. If confirmed, I will support Administrator Regan's efforts to address PFAS pollution as a top priority for EPA.**

96. What role will senior, non-Senate-confirmed Biden Administration officials outside of EPA—including but not limited to Gina McCarthy, John Kerry, and David Hayes—play in the development of environmental policy?

**RESPONSE: President Biden's Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes the National Climate Task Force. If confirmed, I look forward to supporting Administrator Regan's efforts to work with our federal colleagues to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA's purview, I will support Administrator Regan's role and decision-making.**

97. Is the Office of Domestic Climate Policy, which Gina McCarthy heads, a permanent office within the White House?

**RESPONSE: I do not know the President's intentions with respect to the permanence of that office. President Biden's Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes the National Climate Task Force. If confirmed, I look forward to supporting Administrator Regan's efforts to work with our federal colleagues to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA's purview, I will support Administrator Regan's role and decision-making.**

98. Do any of the White House climate czars and staff have significant authority—regulatory or informal?

**RESPONSE: President Biden's Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes the National Climate Task Force. If confirmed, I look forward to supporting Administrator Regan's efforts to work with our federal colleagues to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA's purview, I will support Administrator Regan's role and decision-making.**

99. Will these White House climate czars and staff have a role in personnel, legal, or budgetary decisions at federal agencies such as EPA?

**RESPONSE: President Biden's Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes the National Climate Task Force. If confirmed, I look forward to supporting Administrator Regan's efforts to work with our federal colleagues to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA's purview, I will support Administrator Regan's role and decision-making.**

100. Both David Hayes and Gina McCarthy joined the White House from organizations involved in hundreds of active lawsuits against federal agencies, as well as lobbying activity on federal rules. Will these White House climate czars and staff be subject to

federal ethics requirements, including signing the Ethics Pledge in President Biden's Executive Order?

**RESPONSE:** I defer to the White House to address the ethics requirements of the President's staff. With respect to myself, I take seriously my ethical obligations as a public servant and, if confirmed, I expect to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations.

101. Do you commit to working with the White House to provide all ethics documents of the White House climate czars and staff to this Committee if requested?

**RESPONSE:** I take seriously my ethical obligations as a public servant and, if confirmed, I expect to work with EPA's Designated Agency Ethics Official for consultation and advice about meeting my ethical obligations. In this vein, I will provide the White House staff with whatever documentation they require of me.

102. Just as important to knowing any ethical issues these officials may have is the need for the American public to have clear, timely, and appropriate access to their communications and understand any forms of accountability that are in place. Are Gina McCarthy, John Kerry, David Hayes and their staff subject to FOIA?

**RESPONSE:** President Biden's Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes the National Climate Task Force. If confirmed, I look forward to supporting Administrator Regan's efforts to work with our federal colleagues to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA's purview, I will support Administrator Regan's role and decision-making. If confirmed, I commit to conducting the Agency's work in a transparent manner.

103. Are they subject to scientific integrity policies?

**RESPONSE:** President Biden's Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes the National Climate Task Force. If confirmed, I look forward to supporting Administrator Regan's efforts to work with our federal colleagues to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA's purview, I will support Administrator Regan's role and decision-making.

104. Since your nomination, have you spoken with any of the political appointees already in place at the White House?

**RESPONSE:** Since my nomination, I have had no substantive conversation about matters before EPA with political appointees at the White House.

105. The Biden Administration has established a National Climate Task Force led by White House National Climate Advisor Gina McCarthy, former Administrator of the EPA

during the Obama-Biden Administration. What is your understanding of the role of the National Climate Task Force?

**RESPONSE:** President Biden’s Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes the National Climate Task Force. If confirmed, I look forward to supporting Administrator Regan’s efforts to work with our federal colleagues to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA’s purview, I will support Administrator Regan’s role and decision-making.

106. Will the Task Force have oversight over some or any actions by federal agencies?

**RESPONSE:** President Biden’s Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes the National Climate Task Force. If confirmed, I look forward to supporting Administrator Regan’s efforts to work with our federal colleagues to enable a whole-of-government approach to combat the climate crisis. Where implementation decisions are in EPA’s purview, I will support Administrator Regan’s role and decision-making.

107. Will any of the climate czars in the White House report to you, or any other Senate-confirmed official, or will you report to them?

**RESPONSE:** If confirmed, I will report to Administrator Regan.

108. Executive Order 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis,” required heads of agencies to submit to the Director of OMB a preliminary list of any actions being considered for review under that Executive Order by February 19th. Were you consulted on the preliminary list of actions prior to its submission to OMB?

**RESPONSE:** I was not.

109. If confirmed, given the Biden Administration’s continual emphasis on the importance of transparency, will you commit to sharing what actions were included in that preliminary list and why?

**RESPONSE:** President Biden’s Executive Order 13990 on *Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* lays out a clear timeline for the Agency’s review of certain Trump Administration actions. If confirmed, I will work with EPA staff, states, industry, labor, and other stakeholders to consider a range of views on how to move forward.

I understand the importance of Congress’ need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress’ interests.

110. Did you provide the White House with any input on their recent Executive Orders on climate change, including Executive Order 13990 or Executive Order 14008?

**RESPONSE: I did not.**

**Senator Inhofe:**

1. Ms. McCabe, are you committed to supporting retaining the recent amendments to Section 401 of the Clean Water Act (CWA) implementation regulations, which are consistent with case law and Congressional intent, such that States and tribes shall be required to act on a certification request within a reasonable period of time, not to exceed one year?
  - a. Given the authority granted under the CWA, are you also committed to ensuring that those regulations continue to limit the scope of State and tribal review to water quality standards?

**RESPONSE: I am not personally familiar with the implementation of Clean Water Act section 401. If confirmed and asked by Administrator Regan to support his decision-making with respect to Clean Water Act section 401, I will confer with the legal and policy teams at EPA to better understand this issue, including appropriate timelines for state action and the scope of state certification.**

2. Ms. McCabe, do you agree that natural gas is a vital and necessary source of electric power generation in the U.S. today and in the years ahead?
  - a. And do you believe natural gas plays an important and valuable role in reducing CO2 emissions in the U.S. power sector?

**RESPONSE: As Administrator Regan has noted, natural gas plays an important role in our electricity sector; its production and use also cause pollution and contribute to climate change. President Biden has committed to achieving a carbon pollution-free power sector by 2035. If confirmed and asked by Administrator Regan, I will work with my legal and policy teams to consult with industry and other critical stakeholders to determine the best way to achieve that goal, in line with the law and science.**

3. Ms. McCabe, as you recall, Mr. Regan told Members of this Committee during his nomination hearing that the Administration will look to its own solution to address emissions from power plants following the U.S. Court of Appeals for the D.C. Circuit's decision to vacate the Affordable Clean Energy rule. I'm sure you are aware that the electric sector has already achieved significant carbon reductions, beyond what was required by the Clean Power Plan that you helped design. This is in large part a result of the expanded use of natural gas. Given that natural gas helps ensure reliability and affordability for energy consumers, do you believe the EPA needs to positively account for and include the continued use of natural gas in any future power plant emissions regulations?

**RESPONSE:** As I said in my testimony before the Committee, I believe the President has made it clear that we need a wide variety of fuel sources to move us forward toward a cleaner energy future, including natural gas. Clean Air Act regulations focus on where the industry is going and look at the technologies and the innovations and the practices that are already in use by the industry and project those forward. I expect the power sector to move forward in ways that reduce emissions, and indeed they have, even though the Clean Power Plan never went into effect.

4. Ms. McCabe, as you know, the EPA operates both the Natural Gas STAR and Methane Challenge programs, which are focused on information sharing, technology transfer and providing a public means to report methane emission reductions. Are you committed to continuing to operate these successful, voluntary programs, including maintaining the option to comply through the ONE Future option?

**RESPONSE:** To the extent that EPA looks at these programs in the future, I do not know whether my responsibilities as Deputy Administrator will involve me in those issues. If confirmed and asked by Administrator Regan to support his decision-making with respect to these programs, I would look forward to meeting with the staff responsible for carrying out these programs. I do agree that voluntary programs such as these can be helpful and effective approaches for industry to reduce emissions.

5. Ms. McCabe, I am aware that the EPA has reversed its long-held position on the continuity standard as it relates to small refinery exemptions (SREs). During your time as the Acting Assistant Administrator for the Office of Air and Radiation, did EPA ever impose a continuity requirement for the SRE program?

**RESPONSE:** There have been many developments under the RFS program including litigation since I left the EPA. If confirmed and asked by Administrator Regan to support his decision-making with respect to the RFS program, I would confer with the legal and policy teams at EPA to understand more about the continuity requirement for SREs.

6. Ms. McCabe, the Consolidated Appropriations Act of 2021 (P.L. 116-260) was signed into law in December 2020. The joint explanatory statement of Division G, which provides appropriations for the EPA, among other agencies, includes report language directing the EPA to brief the Appropriations Committees within 60 days of enactment regarding the actions the EPA plans to take in response to potential changes to emission standards established under section 111(b) of the Clean Air Act to facilitate the greater use of quick start stationary combustion turbines which are needed to accommodate the increased use of renewable resources in the power sector. As you know, the increased use of renewables elevates the risk of intermittency issues for renewable energy generation. This is a significant issue impacting the 14 states of the Southwest Power Pool, including Oklahoma. Moreover, as the need for the use of quick start generators increases, the 111(b) limitations on those types of generators limits their use, thus creating a predictable conflict between the increased use of renewables and system reliability. Ms. McCabe, if confirmed, will you help ensure the aforementioned report is provided to Congress and done so in a timely manner?



- a. Will you also ensure I am provided with a copy of this report?
- b. And will you commit to working with the Southwest Power Pool and other concerned parties on this issue so we can arrive at an appropriate resolution to this issue?

**RESPONSE: I am not familiar with all the specific aspects of the Consolidated Appropriations Act of 2021. If confirmed, I look forward to being briefed on these issues by EPA staff. I understand the importance of Congress' need to obtain information necessary to perform its legitimate oversight functions and, if confirmed, I commit to working with EPA staff to accommodate Congress' interests.**

**Senator Cramer:**

- 1. Given the recent ruling in the DC Circuit, EPA may be rewriting the section 111(d) rule again to limit greenhouse gas emissions from electric generating facilities. As you know, the Clean Power Plan (CPP) was stayed at the Supreme Court and the Affordable Clean Energy (ACE) rule was vacated and remanded back to the EPA.
  - a. In your opinion, if another proposal is written should it be somewhere between CPP and ACE, rather than going even further outside the bounds of the Clean Air Act by issuing an even stricter regulation than the CPP?
  - b. Will you ensure that if such a rule is promulgated, it recognizes the statutory limits of the Clean Air Act and cooperative federalism, preserves the remaining useful life of these facilities, and does not negatively affect ratepayers?
  - c. Should you be confirmed, if the Biden administration contemplates a rule under section 111(d) to replace the Clean Power Plan, in your opinion how should the Supreme Court's stay of the CPP affect the agency's presumed authorities in devising a new power plant rule?
  - d. Will you commit to convening and working with all stakeholders – including North Dakota's rural electric cooperatives in the power sector – before you begin developing any possible replacement to the ACE rule?
  - e. Considering the economic hardship facing American families, manufacturers and small businesses, would you agree that right now would be a particularly bad time to have a significant rate increase for electricity?
  - f. Can you commit to ensuring that any greenhouse gas regulations issued by the EPA will take into account any increased cost to ratepayers before being finalized?

**RESPONSE: If confirmed and asked by Administrator Regan to support his decision-making on this issue, I will look back at previous efforts to reduce greenhouse gas emissions from power plants, including the Clean Power Plan and the ACE rule. I will consider what worked and what could have worked better. I will confer with legal and policy staff at EPA about the implications of court**

decisions for future options. I intend to apply those lessons learned to moving EPA forward, working with states, other stakeholders, and the rest of the Administration, to address greenhouse gas emissions from power plants. Rural electric cooperatives are among the stakeholders I would expect EPA to consult on these matters. Within the contours of applicable statutes, I would expect EPA to consider the costs and benefits as appropriate.

2. During the Obama Administration, there was a strategy of innovative enforcement. However, some saw it as backroom deals to promulgate regulations via consent decree or heavy-handed threats of massive penalties that were not about compliance or reducing emissions, but more about punishment, media splash, and generating new revenue.
  - a. Should you be confirmed, will you repeat this punitive approach?
  - b. Should you be confirmed, will you work with industry and state regulators to achieve compliance in a cooperative manner?

**RESPONSE:** Like Administrator Regan, I believe enforcement of environmental laws is essential to protecting public health and the environment. It is also important to understand the perspectives of all stakeholders, including communities, industry, and our regulatory partners, in implementing a fair and even-handed enforcement program. If confirmed and asked to support decision-making related to EPA's compliance and enforcement program, I will continue EPA's partnership with states, tribes, and localities to address noncompliance with environmental laws and to promote compliance through a variety of means, including environmental monitoring, compliance assistance, and enforcement. I commit to learning from EPA staff, co-regulators, and stakeholders about best practices for a successful enforcement and compliance program.

3. As you know, EPA finalized revised methane regulations for the oil and natural gas industry last August. I, along with many of my colleagues, applauded the final rule for many reasons, but chief among them for me was that the rule takes into account existing regulations which effectively encompass methane emissions so producers are saved from duplicative requirements under EPA and states. Other important amendments included a recognition of low-production wells situation, removing burdens for industry emission reduction innovation, and practical cost saving repair schedules and record keeping. Part of President Biden's environment plan includes "aggressive methane pollution limits for new and existing oil and gas operations."
  - a. With that in mind, do you believe this is a task that falls under the EPA's regulatory authority?
  - b. If so, would you agree with the assessment that there should be accommodation for states who already have strong regulations in place tailored to operations in their states, low-producing wells, industry innovation flexibility, and practical repair schedules and record keeping?

**RESPONSE:** Like Administrator Regan, I support convening all parties relevant to this discussion to forge a path forward on methane emissions. The process will be transparent, and the Agency's decision will be based on the best science, engineering, and data available and informed by robust engagement with states, tribes, and other stakeholders.

4. Carbon capture, utilization, and storage (CCUS) is essential to meeting any emission targets set by the Biden administration and President Biden rightly included CCUS implementation in his climate plan. I, along with my colleagues on EPW, have worked in a bipartisan fashion to support wide scale commercial deployment of CCUS technology.
  - a. If confirmed, will you commit to Congress to accelerate development and deployment of CCUS technology for all types of carbon sources and storage methods, including timely management of EPA's role in 45Q tax credit policy?
  - b. If confirmed, will you commit to working collaboratively with CEQ and other federal agencies to support infrastructure, such as pipelines, that will enable greater CO2 storage?

**RESPONSE:** Like Administrator Regan, I support the development of CCUS technologies. If confirmed and asked by Administrator Regan to support his decision-making with respect to CCUS, I commit to look at the tools the Agency has to encourage further development of carbon capture and sequestration as well as other technological solutions to reducing greenhouse gases. I also commit to partnering with other federal agencies, as appropriate, to determine what steps we can take to advance development and deployment of CCUS, including the infrastructure issues you raise.

5. In November 2014, you submitted a memo titled, *Addressing Biogenic Carbon Dioxide Emissions from Stationary Sources*. In that memo, you included the language: "For sustainable non-waste feedstocks, the EPA intends to propose exempting biogenic CO2 emissions from GHG BACT analyses if the applicant can demonstrate that these feedstocks in fact come from sustainably managed lands."
  - a. What legal authority does EPA have to regulate sustainable land management for agricultural crops as a condition for obtaining a Clean Air Act permit?
  - b. What is the definition of "sustainably managed lands" you referred to in the memo? Please cite your answer.
  - c. Does sustainable agricultural land management fall under the jurisdiction of the EPA or the U.S. Department of Agriculture? Please cite your answer.

**RESPONSE:** If confirmed and asked by Administrator Regan to support his decision-making with respect to biogenic carbon dioxide emissions, I will confer with the legal and policy teams at EPA to understand more about developments in the sector since I was at the Agency.

**Senator Sullivan:**

1. I spoke to you about the struggles facing rural Alaska in regards to water and sewer infrastructure. I appreciated our earlier conversation on this matter, and would like to work on this issue with you. Alaska has significant challenges related to water systems and in particular rural water development. While rural development is generally addressed under other programs at USDA and DOI, the Clean Water and Safe Drinking Water State Revolving Loan Funds (SRFs) and Small and Disadvantaged Communities Drinking Water Grants are still important programs that need to be cultivated to address the nation's drinking water needs. EPA is in charge of the SRF, in addition to providing funds to the Alaska Department of Environmental Conservation to address the needs of rural and native Alaska communities. Can I get your commitment to working closely with me and Alaskan stakeholders on this issue?

**RESPONSE:** Yes. If confirmed and asked by Administrator Regan to support his decision-making on this issue, I am committed to working with you and Alaskan stakeholders.

2. Regulations like the Clean Power Plan clearly would have resulted in higher costs of energy and a loss of energy jobs. The Administration via Secretary Kerry and Administrator McCarthy have already stated that we should effectively kill fossil fuels and good paying energy jobs to transition to renewable energy. They promise that workers will easily transition to new renewable energy jobs, but Labor leaders have significantly questioned the ability of this sector to deliver in the near term adequate middle class jobs. Terry O'Sullivan the President of LIUNA stated, "'It's pie in the sky [BS] about these green jobs being good middle-class jobs, because they're not, I'm concerned about union members and union families being left behind ... and I think they've already been left behind. If we're transitioning into a new energy economy, as we do are those going to be as good as the jobs that my members are losing? And if it's not, well there's going to be hell to pay for it.'"
- a. Do you support all of the above energy solutions to reduce emissions and protect the environment?
- b. What is your view of expanding natural gas production and LNG exportation as a way to reduce global emissions by displacing coal from countries like China and India?
- c. Do you really believe that renewable energy jobs can replace and benefit existing middle class workers and laborers that will lose their jobs as a result of the administration's first week orders and policies?
- d. Do you think it's a good idea to kill these jobs right now when there's no clear path in the near term to replace them? Or do you disagree with labor leaders like Terry O'Sullivan, the President of LIUNA, who said "It's pie in the sky bullshit about these green jobs being good middle-class jobs, because they're not." What are your thoughts?

**RESPONSE:** As I indicated in my testimony, any job loss can be devastating. Communities across this country are suffering, and the pandemic is making it

worse. I agree that we need to pay attention to the issues these communities are facing, and President Biden has reflected that commitment in his Executive Orders.

**President Biden's Executive Order 14008 on *Tackling the Climate Crisis at Home and Abroad* establishes an Interagency Working Group on Coal and Power Plant Communities and Economic Revitalization. If confirmed, I look forward to supporting Administrator Regan's efforts at EPA and helping him work with our federal colleagues, including members of Congress, to coordinate investments and other efforts to assist coal, oil and gas, and power plant communities.**

3. You were Gina McCarthy's principle subordinate at the EPA. From the Administration's first week the agenda on climate, air, environmental, and jobs issues seem fixed and extremely radical even when compared to the Obama Administration's actions under your watch. Nominee Regan has outlined a more collaborative approach reflecting his experience in state government that seems on its face different from what Ms. McCarthy and the President have outlined.
  - a. Who will be the guiding policy at EPA?
  - b. How will you reconcile directive from the White House and Ms. McCarthy that conflict with Secretary Regan's stated approach.

**RESPONSE: If confirmed, I will be Administrator Regan's Deputy Administrator and look forward to working with him to help him implement his vision for the Agency.**

**Senator Ernst:**

1. Given the proven GHG reductions that renewable fuels like ethanol and biodiesel deliver, do you agree that any reduction in the RFS volume requirements would constitute a step backwards, yes or no?

**RESPONSE: If confirmed and asked by Administrator Regan to support his decision-making with respect to the RFS, I will confer with the legal and policy teams at EPA to understand the options before the Agency as we move forward with the program in a manner that follows the science and the law and that upholds the integrity of the program.**

2. A July 2017 court ruling has ordered EPA to address an illegal waiver of 500 million gallons in the 2014-2016 RVOs. These were RVOs completed while you previously served as Acting Administrator of Air and Radiation at EPA. We are still waiting on these remanded gallons—will you ensure that the upcoming RVOs for 2020 and 2021 address this missing gallons?

**RESPONSE: If confirmed and asked by Administrator Regan to support his decision-making with respect to the RFS, I will confer with the legal and policy teams at EPA to understand the options before the Agency as we move forward with the program in a manner that follows the science and the law and that upholds the integrity of the program.**

3. EPA currently fails to distinguish in its permitting regulations under the Clean Air Act between the one-year life cycle of carbon dioxide emissions resulting from the use or processing of agricultural crops and the carbon stock emissions released by fossil fuel combustion. EPA is the only regulator in the world with this policy on biogenic emissions, which stifles investment in innovative biomaterials like bioplastics. Will you review this policy that stands in the way of American production of renewable and sustainable alternatives to petroleum-based products, and report back to the committee within 6 months of your confirmation?

**RESPONSE: If confirmed and asked by Administrator Regan to support his decision-making on this matter, I will confer with the legal and policy teams at EPA to understand the options before the Agency as we move forward with the program.**

4. Do you believe EPA has the authority to establish a Low Carbon Fuel Standard under the Renewable Fuel Standard (RFS) “set” process?

**RESPONSE: If confirmed and asked by Administrator Regan to support his decision-making with respect to the RFS, I will confer with the legal and policy teams at EPA to understand the options before the Agency as we move forward with the program in a manner that follows the science and the law and that upholds the integrity of the program.**

Senator CARPER. Thanks, Ms. McCabe.

As our colleagues know, we begin, once we have heard from our witnesses, your statements, what the chair does is ask three standard questions of our witness. I would ask you just to respond to each of these.

The first question is, do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate Members of the Congress, and provide information subject to appropriate and necessary security protections with respect to your responsibilities? Do you?

Ms. MALLORY. I do.

Ms. MCCABE. I do.

Senator CARPER. Do you agree to ensure that testimony, briefings, documents and other electronic forms of information are provided to this committee in a timely manner?

Ms. MALLORY. I do.

Ms. MCCABE. I do.

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

Ms. MALLORY. No.

Ms. MCCABE. No.

Senator CARPER. Thank you. We are going to start with our first round of questions.

First question I want to ask, before Senator Inhofe, who has been a past chair and ranking member as well, of this committee, he and I participate almost every week in Bible study. We are people of deep faith, a number of us are. We are guided by our faith. I was interested, you talked about your faith and your parents' faith. How does your faith guide you? How would it guide you with respect to the responsibilities that you have been nominated to fulfill?

Ms. MALLORY. Thank you, Senator, for that question. I think my faith is a very important anchor in all that I do, and has been a force in helping me to navigate the various trials and tribulations in life, and to find a way to look for purpose in how I can help people and to do the work, whatever I am called to do, in a way that advances peoples' lives. That is my goal, and that is what I would do if I was confirmed to serve at the Council on Environmental Quality.

Senator CARPER. Does the Golden Rule fit in there anywhere? The Golden Rule?

Ms. MALLORY. Absolutely, Senator. I think that does actually does inform the way I interact with people. I expect and I look forward to working with people in a way that gives honor to what they are bringing to the table. I try to bring the same energy and the same approach to issues that I would like to have people bring to me when I am engaged on issues.

Senator CARPER. All right, thank you. Ms. Mallory, speaking from your own experience, would you tell us how important CEQ is in coordinating all of this? How would your experience guide your leadership at CEQ if confirmed, making sure that all stakeholders have a voice in our Nation's environmental policy?

Ms. MALLORY. Yes, Senator, thank you so much for that question.

The CEQ, as has already been stated, was created under the National Environmental Policy Act, with a broad mission to assist the President on environmental policy across the spectrum, on a broad range of issues. I think the goal of CEQ over time has been to serve the role of knitting together all of the work that is being done across the agencies, and helping to bring to the President and to the White House staff the information about the expertise that folks have in the agencies, and how it can be applied toward the President's agenda.

That is a role that CEQ has played over the years, and in my time at CEQ, was a very important part of the work that I assisted in doing.

That, I think, particularly the more complicated the issues, and the more issues there are to address, becomes really important in ensuring that there is the important coordination. Coordination in terms of my own experience has been really the key of all the work that I have done, both in private practice as well as in my various roles in the government, that ability to bring groups of people together around a common goal has been very central.

One of the projects that I started on in my private practice career was to basically help in the environmental and historic resources analysis and strategy for what is now the Capital Center Arena. There were many players involved in that project, many different businesses. It was an important economic development opportunity for the District of Columbia.

It was one of the examples where I was tasked, basically, to bring together all the forces around, in particular the historic resources issues, which was central to overcoming the concerns of the community around those issues, and making sure that they were handled in a way that met a very short timeline that required completion of the permits, so that financing for the project was available.

Senator CARPER. Thank you very much for those responses.

I am going to turn now to Ms. McCabe and ask, would you tell us about some of the environmental challenges that you have seen at the community level in Indiana, where you work and where you have lived much of your life? How have they impacted your thinking about environmental policy generally? Would you also share some of the lessons you have learned in working with local governments that will inform your leadership at EPA if confirmed?

Ms. MCCABE. Yes, thanks, Senator. I think one of the most compelling issues that I have had close personal experience with dealing with families on is the issue of childhood lead poisoning, which is a serious concern in Indianapolis, and in various cities in Indiana, and all across the Country, due to our ageing housing structure, the legacy of lead in our environment. There is nothing more tragic than the youngest and most vulnerable of the people in this Country being exposed to these things, with potentially life-altering damage to their neurological systems.

Being able to sit in a kitchen with a family and show them where the dangerous lead paint is on the windowsill, and give them



some practical help on how to protect their children is just the most fulfilling and important work.

In my work more recently, with the Indiana Environmental Resilience Institute, we have really focused on trying to help cities and towns across the State of Indiana. I love working with mayors. They are so practical.

Senator CARPER. Can you hold on.

Did you hear that?

Senator INHOFE. I heard that.

[Laughter.]

Senator CARPER. I am a recovering Governor. He is a recovering mayor.

Ms. MCCABE. It is really true, Senator, I don't usually know what party the mayors are.

Senator CARPER. They don't know, either.

Ms. MCCABE. They are dealing with the practical problems in their communities.

Senator INHOFE. Yes, but you know what, I tell my friends up here, they don't understand. Because if you really want to know what is going on, you want to be a mayor. If they don't like your garbage system, it ends up in your front yard. They get your attention. So that is working close to the people, and I am in full agreement with that.

Ms. MCCABE. Absolutely.

Senator INHOFE. You paid your dues.

Ms. MCCABE. Well, it is honest and true, I talked with the mayor from Huntingburg, Indiana. We are having more increased flooding in Indiana, because of how the climate is changing. The mayors, they just look upstream, and here comes the water, and they have to deal with it. How does that mayor explain to his community that we have just had three 500-year floods in 18 months? First, they have to learn what a 500-year flood was, and then figure out how to deal with it.

So that has been incredibly fulfilling work. It just reminded me so much how you really have to listen to people and go and sit in their kitchens and find out the things that are concerning them and how you can best help them.

Senator INHOFE. Yes.

Senator CARPER. My time has expired. Senator Capito, please.

Senator CAPITO. Thank you very much. Thank you for your opening statements.

You both talked a lot about listening, and listening to all the stakeholders. So I have a couple of quotes, and I want to give you a chance to respond to how you might, how that fits into the listening promises of your past and hopefully in the future.

So you might recall, Ms. McCabe, that when you testified before the committee in 2015, when you were at the EPA, and I asked you then, why, with such a far-reaching agenda as the Clean Power Plan, why you were not holding a public hearing in my State of West Virginia, which is deeply impacted by this. You said at the time "We wanted to have those meetings in locations where people were comfortable coming."

Then, Ms. Mallory, you gave an example from your private Federal service webinar, I guess it was in 2019. And the quote you

have was, "The question was whether I should be sent to a meeting in West Virginia, because you know how the boys are in West Virginia." And then you talked about a perception among higher levels of government leadership that the people in West Virginia were "rough and tumble." You stated, "This was coming from two levels above me and my direct supervisor was like, I am not comfortable with those people."

You can imagine how that hits you, being a native West Virginian myself, and also in these policies that you all are going to be putting forward and coordinating are going to have deep impacts on the 1.8 million people living in my State.

So I am concerned about previous sessions that were never held, to be listened at the concerns of my constituents. So I guess my question is, could you respond to that? Do you plan to go out to these areas where they are deeply impacted? You didn't before. Ms. McCabe, I will give you the chance first to talk about that conversation.

Ms. McCABE. Thank you, Senator. I know how frustrating this issue is for you. I do understand that. I heard Secretary Regan commit to you that he would come to West Virginia. I make the same commitment to you today, that if I have the opportunity to visit with you and your constituents in West Virginia, I absolutely will come.

Senator CAPITO. Thank you. And Ms. Mallory, do you have a response to your quote?

Ms. MALLORY. Absolutely. I absolutely commit as well to come to West Virginia. For a little context on that quote, it was a speech that I was giving at a conversation about diversity and treating the staff, in this case it was women, fairly on the job. On the job, I was explaining how in a situation where there was a meeting in West Virginia, that there was some sense that I shouldn't be allowed to go because of how people would react to me.

At the time, what I was saying was, I should be allowed to go where I need to go to do my job. I would commit to you that if there are reasons to be in West Virginia, I will gladly come to West Virginia.

Senator CAPITO. I appreciate that. We are very polite, nice, warm and loving people. I promise you that, and we would embrace your coming to our State to hear, really, the direct impacts.

Let's talk about the Clean Power Plan, Ms. McCabe. You did, I think, characterize it as something you are extremely proud of. We know it was a stay at the Supreme Court level and never actually went into effect.

One of the issues with that, and I asked Secretary-to-be Regan about this too, but I am going to ask you. Do you believe that the EPA has the authority to use Section 11(d) of the Clean Air Act to regulate a power plant's carbon dioxide emissions outside the fence line, as the Clean Power Plan did?

Ms. McCABE. Thank you, Senator Capito. Certainly, the Clean Power Plan was one of the most important, impactful rules that we work on during the Obama administration. I am very proud of the job that we did, working with all parties, all stakeholders, on that project.

You are right, the Supreme Court did stay the rule. We have never had a legal ruling on that very question. Certainly, we would not have put that rule forward if we did not believe that we were acting within the four corners of the Clean Air Act. I understand that people have different views about that. To the extent that EPA or other agencies move forward, looking at these policies in the future, I don't know whether my responsibilities as deputy will involve me in those issues. If I am asked, of course, I will. But I know that there will be lots and lots of conversation about that very issue, and solicitation of views from everybody who has an interest in it.

Senator CAPITO. Thank you.

Senator CARPER. Thanks, Senator Capito.

I am going to be stepping out in just a moment, and will leave the gavel with you. I would just ask that when I come back I don't find that you have enacted six of your favorite pieces of legislation.

[Laughter, conversation off microphone.]

Senator CARPER. That really scares me. Just kidding.

Senator Whitehouse is next, he is joining us by WebEx, and then I think Senator Inhofe might be right after him.

Senator Whitehouse, you are recognized. Senator Whitehouse, are you out there? Is anybody out there?

Senator Inhofe, you are recognized. I will be right back.

Senator INHOFE. Thank you. I accept.

Brenda, I enjoyed your comments, and I thank you very much, both of you. I enjoyed visiting with you. In reality, we know that we disagree on some things, and we were very frank about that in our conversations. But you know, I used to kind of laugh about Barbara Boxer, commenting that she and I had very little in common philosophically. But we got more done than any other committee did. So hopefully we will have that kind of relationship.

So let me just mention to both of you one thing I think is very significant. I know we feel differently about fossil fuels. I understand that. And just to get into the record this point, since 1970, the combined emissions of the six common pollutants dropped 74 percent. Since 2005, the United States energy-related CO2 emissions fell by 12 percent while related, nationally it was increased by 20 percent.

This is, in large part, a result of American oil and gas companies' commitment to responsible, environmentally friendly practices and advancements in technology like carbon capture.

[Remarks off microphone.]

Senator INHOFE. Ms. Mallory and Ms. McCabe, would you agree that if oil and gas is going to be produced anywhere in the world, it should be in America? And shouldn't we export it around the world so that everyone has access to the cleanest oil and gas in the world?

Ms. MCCABE. It is certainly possible, and a good thing, for all energy to be produced in as clean a way as possible. We certainly do have the tools in this Country. And the companies have the tools in this Country to do that.

Senator INHOFE.

[Remarks off microphone.]

Ms. MALLORY. Yes, Senator, I believe that we have the ability to look at some of the issues that are presented in a way that will improve the quality of the oil and gas, and that is important.

Senator INHOFE. Thank you. A second thing is, we have talked about small refinery exemptions. I talked to both of you about that. When we talked about that, I shared with you that SREs are of great importance for refinery States like Oklahoma.

The Supreme Court has taken up a case, *HollyFrontier v. RFA*, which could decide the future of small refinery exemptions in States like Oklahoma. What I would like to ask both of you, this will be to you, Ms. McCabe, will you commit to encouraging EPA to delay any action on SREs until after the Supreme Court has issued its decision?

Ms. MCCABE. Senator, I believe EPA has already indicated that that is their intent, to wait until after the Supreme Court issues a decision.

Senator INHOFE. OK. How about you? Do you agree with that?

Ms. MCCABE. I wouldn't disagree with that. I am not at the agency yet. But that makes sense to me, sure.

Senator INHOFE. That is fine. And the last thing, I want to get this in, because I won't be here for the second round, so I might as well go over a little bit. Senator Padilla, if that is OK with you, I will go ahead.

This has to do, well, Ms. McCabe, as you know, the United States is heavily reliant on imports of critical minerals used in things from electronics to missiles, and also you are both aware that I spent a number of years as chairman of the Senate Armed Services Committee, so this is right in my area.

Mining is one of the most heavily regulated domestic industries in America with dozens of State and Federal laws and regulations.

[Remarks off microphone.] The Fiscal Year 2021 NDAA, that is the National Defense Authorization Act, I was a principal author of that, requires the DOD to assess the sources of our mineral imports the vulnerabilities of the American mineral supply chain. In other words, we produce them here.

So I am going to ask you, Ms. McCabe, will you commit to supporting a strong domestic mining industry and work force so as to reduce our dependence on foreign imports of minerals? I ask that question.

[remarks off microphone] you and I talked about it,

[remarks off microphone].

Ms. MCCABE.

[Remarks off microphone] strong industry here in the United States producing good jobs for Americans, and also attention to making sure that those activities are done in a way that protects our health and our environment.

Senator INHOFE. I am sure the mining industry would be very appreciative of that response.

Thank you very much, Madam Chairman.

Senator CAPITO.

[Presiding] Senator Padilla.

Senator PADILLA. Thank you, Madam Chair.

Senator Inhofe, it is not just mayors who get that very personal treatment from constituents. So do council members in many places.

Senator INHOFE. Oh, I know.

[Laughter.]

Senator PADILLA. Ms. Mallory, Ms. McCabe, thank you both for your willingness to serve.

A couple of very quick questions for the two of you, then I have two questions, one for each. No. 1 is, do you believe in science, yes or no?

Ms. MALLORY. Yes.

Ms. MCCABE. Absolutely.

Senator PADILLA. Do you look forward to making decisions based on science and data, yes or no?

Ms. MALLORY. Yes.

Ms. MCCABE. Absolutely.

Senator PADILLA. Thank you. Next question is for Ms. McCabe. We had a chance to discuss briefly just yesterday, and you recognized that California has long been a leader, not just in environmental policy and stewardship generally, but specifically in the area of fuel economy standards. One of my priorities is to ensure that we restore California's undisputed authority to set fuel economy standards that are safe, affordable for consumers and obviously good for the environment.

California standards are such that several auto makers entered into voluntary agreements with the State of California to make the stricter standards than the prior Administration sought to impose. So the question is another simply yes or no. Would you work with us under this Administration in partnership with California on fuel economy standards that can improve standards and environmental quality nationally?

Ms. MCCABE. Senator, if confirmed, I would gladly commit to you to work in partnership with the State of California. They have been a real leader on these issues of fuel economy and auto standards.

Senator PADILLA. Thank you very much.

Next question, for Ms. Mallory. Throughout my time in office, I have prioritized not just environmental protection policy, but environmental justice policies, specifically for communities that have too often borne a disproportionate brunt of pollution, contamination, toxics, traffic congestion, proximity to Superfund sites, etc.

It is an issue that is personal to me. I grew up in one of the first experiences in terms of being active in the community was standing alongside my mother as we blocked trucks from entering the Lopez Canyon landfill in Los Angeles County, California, because of its impact on the community that we lived in, air quality, traffic, trash, et cetera.

Years later, I would serve on the Los Angeles City Council and supported the creation of an environmental justice zone which is a designation that provides extra consideration to the cumulative impacts of new developments for areas that have a high concentration of facilities, such as solid waste processing, recycling, et cetera. You are probably familiar with the fact that in California we have a mapping and screening tool called calenviroscreen, to help identify communities with the most significant pollution burden. It collects

data on 20 indicators to help California policymakers identify disadvantaged communities, to prioritize our climate investments.

It is worth noting that California's tool goes further than the EPA's environmental justice screening tool in that California includes some non-environmental indicators like education attainment for populations in the area, high housing costs, unemployment and more. It also allows for identification of cumulative effects that policymakers can compare census tracts and identify communities most at risk.

Thanks to this tool, California has been able to invest 35 percent of revenues from our cap and trade program in over-polluted communities to ensure we are targeting our investments, which serves as a potential model for the new Administration.

Ms. Mallory, my question is, what you think are some of the best ways to identify some of these overburdened communities? Can tools like the environmental justice zone or California's modeling help the Biden Administration meet its commitment to 40 percent of the benefits from clean energy and infrastructure investments benefiting disadvantaged communities?

Ms. MALLORY. Thank you, Senator. I appreciate that question.

As we discussed when we met, I think the environmental justice obviously is being given a front and center place in President Biden's agenda, at CEQ in particular. Among the things that have been tasked to CEQ already is standing up the infrastructure through an interagency task force as well as a FACA, Federal advisory committee, working with citizens from across the Country.

But in addition, there is a responsibility to look at a screening tool specifically with the idea that these tools can be really important in helping to understand the extent of the problem, where we should be focusing and locating our energies. So I believe that those are going to be front and center in terms of how the Administration is going to be focusing the issue.

If I am confirmed at CEQ, those would be approaches that I would definitely be keeping in mind and talking to the staff about. As we have discussed, I look forward to partnering with you on that issue if I am confirmed.

Senator PADILLA. Thank you very much. Thank you, Madam Chair.

Senator CAPITO. Senator Cramer.

Senator CRAMER. Thank you, Madam Chair. Thanks to both of you for being here, and thank you for the time on the phone. It was helpful to me.

Ms. Mallory, I am going to focus on you for the first 5 minutes. As you know, obviously, CEQ plays a really important role in infrastructure review and approvals. Your current employer, the Southern Environmental Law Center, has been a high profile litigant against numerous pipelines within the States that you are now going to have oversight of.

When you joined the SELC, you said it was a "perfect fit." The Atlantic Coast Pipeline was canceled, and one of your colleagues was quoted as saying, "This risky and unnecessary project is on the scrap heap where it belongs, and the decks are cleared." Do you agree with your colleague's sentiment? Is there at least one well-known pipeline project that you ever supported?

Ms. MALLORY. Thank you, Senator Cramer, I really appreciate that comment, because it goes to the heart of something that I think is important for establishing with you and the public in general, which is, I take very seriously the role that I would play as a Federal official serving the Administration, and in particular, serving the American people. I have had really broad experience, as you have heard, which has brought me in contact with and working with a number of different stakeholders over the past time.

But in the job as the chair of CEQ, if I am confirmed, my job will be focused on serving the American people and serving President Biden's agenda. So those issues, no, they would not drive the way that I approached any particular issue.

Senator CRAMER. Have you ever supported a pipeline, and if so, what differentiated that pipeline from the ones we discussed?

Ms. MALLORY. In fact, as I said, in my life as a private practice lawyer, I worked with pipelines and helped pipelines get permitted as well. But that was 20 years ago, and what I am focused on now is serving President Biden's agenda.

Senator CRAMER. OK, great, so let's get to something real recent and current. The Dakota Access Pipeline, which as you might imagine, is real important to North Dakota, begins in North Dakota, moves about 600,000 barrels of Bakken crude to market every day. Been operating successfully now for 4 years without any incidents.

They were recently ordered to redo its NEPA, as you are probably aware. After it was built and safely operating, Judge Boasberg here in the District of Columbia ordered that the pipeline be shut down and required a full EIS to be conducted. Thankfully, the circuit disagreed at least in part with his ruling, and realized that following that decision it wouldn't be shut down. So it allowed the pipeline to stay in operation, thank goodness.

As a reminder, the company did do an EA, instead of an EIS. Now through this external litigation they are being forced kick through shifting goalposts. Of course, it is litigation from organizations like yours.

Despite what seems to me and I think to most North Dakotans and most people with common sense, the insanity of all of this, the real question comes down, well, let's just say that both the company and the Army Corps of Engineers, the two entities most involved in this, of course, are complying with this EIS, I think everyone should understand that, as ordered.

Should you be confirmed, can you commit that the White House will not interfere with the timely progression of the results of the EIS? I ask that question because we know there is a lot of political pressure being applied to the White House and to the President himself to stop the Dakota Access Pipeline after these 4 years of successful operation. Can you commit that the White House won't interfere politically?

Ms. MALLORY. Senator, I can commit that I will carry out the President's agenda in making sure that the decisions that are made are based on sound science, and full integration of information that we have about issues. I am happy to commit to you that if we move

forward and I am confirmed and this issue is before us, I am happy to talk to your office about it.

Senator CRAMER. Well, I am happy to do that, except that the science is, I appreciate your commitment to science. The EA was done. And it was done under the Obama administration and approved by the U.S. Army Corps of Engineers. And the EIS is being done for all good scientific reasons.

So I would hope, I would hope that that at the end of all that good science and discussion with my folk we can keep the Dakota Access Pipeline operating, lest we become dependent on other nations again.

I think given the shortness of my time, I will wrap it up there, Madam Chair.

Senator CAPITO. Thank you.

It is my understanding that we don't have other Democrats lined up, so I am going to keep going down the Republican side and go to Senator Lummis by WebEx. Senator Lummis, are you there? All right, we will go to Senator Boozman. Busy day here on Capitol Hill. Senator Lummis, there she is.

Senator LUMMIS. Thank you. I am so sorry. Little technical difficulties here.

Ms. Mallory and Ms. McCabe, you have both worked at the EPA during the Obama administration. During your time at EPA, the Obama administration's Interagency Working Group on the Social Cost of Carbon met behind closed doors with no public engagement to revise what is known as the social cost of carbon. Federal agencies use this figure to justify regulations on greenhouse gas emissions, no matter how large or how small.

My question is this. During your time there, were you in any way involved in this working group? And if you were, please detail your role.

Ms. MCCABE. Senator, this is Janet McCabe. I was not involved in the working group to develop the social cost of carbon.

Ms. MALLORY. Senator, CEQ was a participant in the working group on the social cost of carbon during the Obama years.

Senator LUMMIS. Thank you for saying so. The interagency working group did not publicly list individuals that contributed to the work group's efforts. Public input was limited. President Biden reconstituted this working group and directed it to revise the existing costs. Only five of the 12 Senate-confirmed positions that lead agencies in the working group are confirmed thus far. Last Friday, the Administration reverted to the Obama-era cost estimates.

So I raise this issue to reinforce the need for openness and transparency in how critical data is developed. I think this is particularly important when the figure is used to rationalize costly job-killing new regulations. This is an issue that is important to my State, so hence my raising the issue.

Moving on, if confirmed, will you inform this committee and the public of CEQ or EPA's participation in the Interagency Working Group on Social Cost of Carbon, including all offices and staff that are participating and representing your respective organizations?

Ms. MALLORY. Senator, I can say that CEQ definitely expects to be involved in the social cost of carbon working group going forward. That has been laid out already by the President in the Exec-



utive Order. That process before, under the Obama administration, was one that went on for a number of years. There was extensive public process associated with it before a decision was ultimately rendered, which is why understanding is that the Administration felt they could move forward with an updated version of that estimate now, while a new process is being set up and opportunity for public participation will be included in it.

Ms. MCCABE. Senator, that is my understanding as well. I agree with Brenda, I expect there will be a process that will involve people having an opportunity to weigh in.

Senator LUMMIS. Thank you for that. So I am assuming that both of you support using the regulatory review process for future revisions to the social cost of carbon.

Ms. MALLORY. Senator, I am not sure what you mean by regulatory review process. I think that the process that was previously used to ensure that there was an opportunity for input by the public and experts in the area is what is anticipated at this point. That is my sense from the outside.

Senator LUMMIS. Well, we have recommendations that the working group go through a full regulatory review process to revise the cost estimates, then relying on studies that were subjected to a less rigorous journal review process. So what we will do is try to get that information to you about concerns that have been expressed. We want to make sure a consequential scientific analysis is done.

Ms. MALLORY. Thank you.

Ms. MCCABE. We are here and listening. I don't think you will have any disagreement from us that any decisions such as this be based on sound science and well vetted studies that folks have an opportunity to see and weigh in on.

Senator LUMMIS. Thank you very much.

Mr. Chairman, I yield back.

Senator CAPITO. Thank you. Senator Markey, by WebEx.

Senator MARKEY. Thank you to both of our great panelists for being here, thank you for being willing to serve.

As you both know, we are in a climate crisis right now and we need to move forward aggressively in order to deal with this crisis. I would like each of you, if you would, just to give me a sense of your commitment to ensuring that we unleash this clean energy revolution that can help to deal with the climate crisis.

Ms. MALLORY. Senator, I am happy to give you the commitment that I will carry out the responsibilities of CEQ if confirmed in a way that advances President Biden's agenda and in an aggressive way.

Ms. MCCABE. Senator Markey, this is Janet. We can't see you, so we are all sort of looking around the room.

There you are. It is great to see you. You have my commitment as well, that if I am confirmed as deputy at EPA, I will work with the agency, with all the other agencies in the Federal Government, and with this body to address the serious issues of climate change across this Country.

Senator MARKEY. Thank you so much. The workers at the EPA, they give up their lives, they dedicate their careers to helping protect the American public against the worst, most insidious dangers that are created by pollutants and other dangers to our society.

These workers need to be protected. I know that it is something that absolutely has to be done.

That is why I signed onto the EPA Workers Bill of Rights, to fight for scientific integrity and healthy working conditions. That includes the 8,000 members of the AFGE working at the EPA.

So are you committed to ensuring that we create a safe working place for these workers? Ms. McCabe?

Ms. McCABE. Yes, Senator Markey, it is the staff at EPA that bring environmental protection and public health protection to this Country. That is the main reason I am so honored to be considered for this position, is because my main job, as I understand it, would be to support the amazing work force. They need a safe environment, and they need support, they need respect. They need to be in the room and consulted, because they have expertise to bring to the table. The agency can't make good decisions without that work force.

Senator MARKEY. Thank you.

On the issue of environmental justice mapping, Senator Duckworth and I introduced legislation on this issue to make sure that we can actually see the full picture of what is happening in our Country, so that those communities that have always historically been most adversely impacted, Black, Brown, immigrant communities, are seen so that as we act we ensure that we are giving the protections to those communities.

I would love to hear each of you speak about that issue, and the need to focus upon it over these next 4 years. I know that Senator Padilla has already raised it, but I would love to hear you expand a little bit more on this.

Ms. MALLORY. Sure. Thank you, Senator Markey. As we discussed in our conversation, the President has made environmental justice a central element of his agenda, and a central element of the work that CEQ will be doing. So I look forward to working with the staff and really with the rest of the Federal Government as we move forward on this issue.

As I said to Senator Padilla, one of the issues that is already identified in the Executive Order that the President issued is the need to look at better tools to help understand where the communities are and where activities are most needed from the work that we are doing. So I also expect that to be part of the work that I would do at CEQ, if confirmed.

Ms. McCABE. Senator, I will just add that ejsscreen, EPA's screening tool, was developed when I was at EPA before. We heard Senator Padilla talk about the amazing system in California. I have actually been working with a colleague and some students at Indiana University on a review of about 17 different environmental justice screening tools that different States or universities have developed. It is amazing to see the different approaches.

So I think there is a lot to work from in terms of developing a tool that is usable and can be kept up to date and is really meaningful and will help everybody make good decisions about focusing on areas where the protections of the environmental laws may not have been realized over the history of the Country.

Senator MARKEY. Without question, and Chelsea, Massachusetts is just a perfect example of where it is just the most densely popu-

lated city in New England, has high minority population, it is right next to the airport, the oil tankers, the idling diesel trucks. So they have the highest level of asthma, and also the highest level of coronavirus, both respiratory illnesses. So you can see how it all interacts together.

So it is time for us as a Nation to ensure that environmental justice is made a priority.

We thank both of you for your willingness to serve our Country. And I thank you, Madam Chair.

Senator CARPER.

[Presiding.] Thank you, Senator Markey.

I think Senator Cardin is next. I ran into him in the hall coming down here, and he asked me if anybody had raised any questions about the Chesapeake Bay. So that is like a pitch for a telegraph.

Senator CARDIN. Mr. Chairman, I was surprised to find out that the answer was no.

Senator CARPER. Senator Cardin.

Senator CARDIN. I rushed into the hearing room to make sure that we had the Chesapeake Bay properly protected.

Let me first thank both of our nominees for your willingness to serve in these critically important positions. We know it is a challenge, any position in public life, but particularly when you are dealing with these issues. We thank you and your families for being willing to make this commitment to public service.

So Chairman Carper has given me the perfect introduction, for Ms. McCabe first, the commitment toward the Chesapeake Bay. Every chance I have, I like to underscore the efforts that have been made on the Bay for over, now, 30 years, maybe 40 years. We started in the State legislature. It was really from the locals up, it was not a federally mandated program. It started with the local governments and other stakeholders, including our farmers, our developers, our local government units, coming together with a science-based approach to try to deal with the challenges of the Chesapeake Bay.

It is not easy. It is a complicated body of water. It doesn't flush itself as frequently as other bodies of water. It is a national treasure, declared by numerous Administrations. And we have made a lot of progress. The water quality is certainly a lot better than it would have been without the efforts we have made. But we still have a lot of challenges to go.

The first question I have is that, in a previous Administration, the Obama administration, we had a person designated for the Chesapeake Bay as the coordinator within EPA. We found that to be very helpful, because it really did help the seven States, the six States and D.C., in coordinating our efforts.

Can you tell me, Ms. McCabe, your commitment if confirmed in working as a Federal partner in the Chesapeake Bay and putting a spotlight within EPA for those efforts?

Ms. MCCABE. Thank you, Senator Cardin. I really enjoyed talking about this with you the other day. These special places, these incredible places in our Country are where people live and work, and what animates them to make things better. In my neck of the woods, it is the Great Lakes. And it is the same thing: you need

everybody from the bottom up and the top down around these incredible resources to be working together.

I know you talked with Secretary Regan about the idea of how to focus attention on the Chesapeake Bay at EPA. Certainly if I am confirmed and able to work with him, we will do what we can to work with your office and make sure that the agency is focusing the right resources on this special area.

Senator CARDIN. I thank you for that.

Ms. Mallory, I want to talk a little bit about a subject, I hope I don't get you into any trouble in this nomination hearing, but about NEPA and the regulatory process. I say that because we all want to streamline the process. We want it to move as quickly as it can.

But there is a real purpose for the review process, including look at the social impact on communities, the impact of emissions as it affects climate change, which is one of our greatest challenges in the Chesapeake Bay, is the sea level rise, an issue dealing with the warming in the bay.

Can you tell me your commitment to use the process to make sure that there is social justice, environmental justice, and that communities' views are in fact, that they have an opportunity to be heard in the review process?

Ms. MALLORY. Thank you, Senator Cardin. I appreciate the question. I know we talked about this a bit when we met as well.

What I can tell you is that I view the challenge of finding a way to ensure that NEPA is serving its multiple purposes, and in a way that allows the President's full agenda to be met as the challenge that we face. It not only has to create an opportunity for there to be a full, robust analysis of the impacts on major projects. It has to create an opportunity for there to be a way for citizens and the community to engage. But it also has to be done in a way that ensures that we have significant infrastructure projects, and that economic recovery, which is based on those projects, can occur.

I think that is our challenge. I think that is what I see myself, if I am confirmed, trying to search for the opportunities that allow those things to occur at once.

Senator CARDIN. I just really want to underscore President Biden's program of Building Back Better. We talk about building back better, it seems to me that the process that we use is critically important to make sure at the end of the day we have an America that is resilient, that adapts to the realities of where we are, and is contributing to the environmental justice, not only the local community, but the global community. It seems to me that CEQ plays a critical part in making sure we build back better.

Ms. MALLORY. I couldn't agree with you more.

Senator CARDIN. Thank you. Thank you, Mr. Chairman.

Senator CARPER. Thank you, Senator Cardin.

I understand we have been joined by Senator Sullivan. Colonel, are you there?

Senator SULLIVAN. Captain, I am here, sir.

Senator CARPER. Navy recognizes Marine Corps. Go ahead.

Senator SULLIVAN. Thank you very much, Captain.

Ms. Mallory, Ms. McCabe, thanks, and thanks for your willingness to serve. I appreciated the opportunity to meet with both of you.

So let me just get a commitment, if confirmed, can I get you up to Alaska soon, in the first year of your tenure? There are a whole host of issues that are impacting my State right now. I am going to go into them. But it is not like being on the ground in the largest State in the Country with very unique challenges.

Can I get that commitment from both of you, if confirmed?

Ms. MALLORY. Yes, Senator, I would make that commitment to go to Alaska. We did talk about a number of the unique issues that Alaska faces. To have an opportunity to see that, I would appreciate it.

Senator SULLIVAN. Great.

Ms. MCCABE. Likewise for me, Senator. I have had the pleasure to be there once before, and would gladly go again.

Senator SULLIVAN. Good. And it can be in the summer. I was back in Fairbanks last weekend, and it was about 38 below zero. So it doesn't have to be in winter, but maybe it is good to see it at 38 below zero, too, there are a lot of unique elements to living in communities like that, great people, tough people. But it would be great to have you up there.

Let me go into a couple of issues. I talked to both of you about the balance on the environment and other things, like jobs. I also want to talk about environmental justice, maybe not from the perspective that it is always talked about.

But on jobs, we are in a recession. My State is in a really hard, difficult economic challenge with regard to the pandemic. Yet the Biden Administration in its first 6 weeks has launched seven executive orders that have either focused directly or indirectly on my State. Seven. There is no State that is getting love from the Biden Administration like mine. We don't view it as love. We view it as a war on working families and jobs in Alaska. It is incredibly concerning.

I guarantee you, Delaware, no other State in the Country gets seven, really eight if you consider the latest Biden-Trudeau joint statement which focused on ANWR, to really attack my State and working families and jobs. Can I get you to just briefly explain how you balance environmental protection, which we in Alaska care more about, trust me, Alaskans care more about protecting our environment than anybody in EPA or CEQ, Democrat or Republican Administration.

How do you balance the challenge? Right now, there are projects almost daily in my State where people are losing jobs. Good jobs, yes, oil and gas jobs. They are relevant by the way, Mr. Chairman. And very important in America. Yet they are under assault. Help me with this. My State is reeling. And the new Federal Government Administration, seven EOs attacking Alaska. There is nothing like it, and we are not enjoying it.

Ms. MALLORY. Thank you, Senator. I appreciate that question.

You are hitting on, I think, the major challenge that we see as an Administration, in trying to address the climate crisis and prepare ourselves for a future that allows all of us, and all commu-

nities, to live better and to live in ways that don't have the extreme impact——

Senator SULLIVAN. Ms. Mallory, I am going to interrupt here. Sorry, I don't want to be rude. But you know, even our Country has reduced greenhouse gas emissions in the last 15 years from 2005 to 2017 by almost 15 percent. More than any major country in the world by far. It is not even close, China is doubling theirs, we are reducing it. Almost all that is due to the revolution in natural gas, with good jobs.

Right now, all we are seeing from the White House is, we are going to restrict production of energy, kill the jobs, and the result is, no good jobs and importing more gas from Russia, oil from Saudi Arabia. None of this makes sense. You don't kill American jobs in energy production to address the climate crisis when natural gas is actually helping globally, no doubt, with the reduction of greenhouse gas emissions.

Again, how do you square this? Because I keep asking the question about jobs, and I get, well, we have to sacrifice jobs, well, we are going to make, John Kerry, we are going to help people make good choices in their jobs. That condescending attitude really, really ticks me off, and it really insults the people I represent.

Ms. MALLORY. As I was saying, Senator, I think the importance of jobs as part of the clean energy economy that we are aiming to build, I think, is central. We understand that people are suffering now, and I think, I know personally, I understand what that means when people are suffering because of the loss of their jobs. Our goal is to get to a place where we can have an economy on which we can all plan for a future that recognizes the climate impacts that we are experiencing.

Senator SULLIVAN. Does that mean States like Alaska that produce energy have to sacrifice jobs?

Ms. MALLORY. I think it means for States like Alaska that there is a unique transition that has to occur there, and that we have to work more closely with you in figuring out how to do that in a way that protects people. That is the goal.

Senator SULLIVAN. Let me ask a really important question. My understanding in a recent meeting with the President of the United States, and he was fully endorsing natural gas as a transition fuel. The President. John Kerry said he doesn't. I think the White House needs to figure out who is speaking for whom on energy policy. I think it would be the President.

Do you two support natural gas, robust production of natural gas and natural gas jobs as an important transition fuel? The President of the United States does.

Ms. MALLORY. I think gas is a part of the transition, for sure.

Ms. MCCABE. Senator, I would agree. I think the President has made clear that we need a wide variety of fuel sources to move us forward toward a cleaner energy. The point is getting carbon out of the air, Senator, regardless of the fuel source. Getting carbon out of the air, that is what is fueling climate change.

Senator SULLIVAN. I am going to show you this map. I think I have shown it to both of you, and hopefully you can see it. Can you see this map?

Ms. MALLORY. Yes.

Ms. MCCABE. Yes.

Senator SULLIVAN. OK. So this is an AMA study. Mr. Chairman, I am having a hard time seeing my time, so I am probably almost up here. You can cut me off whenever you need to.

That is an American Medical Association study from 1980 to 2014. It shows where Americans increased their life expectancy. The blue and the purple are the dramatic increases.

There are a couple of places in America, mostly yellow and red, unfortunately, where the life expectancy of Americans decreased. My State had the biggest increase by far of anybody, up to 13 years. There is no better policy prescription than, are your constituents living longer because of policies.

There is a lot of talk about environmental justice. These are mostly Alaska Native communities, where the increase in life expectancy was huge, 10 years or more in some communities. The reason there was such an increase in life expectancy is because there was significant resource development opportunities, where these communities now have running water and gymnasiums and clinics, those things that Americans take for granted.

This happened because of resource development happened, oil and gas, mining. And my constituents are very nervous, not about jobs, but literally about whether they are going to live longer if you have an Administration that is going to target these kinds of job opportunities and income.

So this is environmental justice in a huge way. Are the people you representing in minority communities living longer? The answer is yes, because of responsible resource development. What we are scared about right now is that, with these targeting EOs against Alaska that this trend might be reversed. Can you talk to me about environmental justice—

Senator CARPER. Senator Sullivan, you are almost 3 minutes over your time.

Senator SULLIVAN. I am sorry, Mr. Chairman. I will submit this for the record.

Senator CARPER. If you could do that, that would be great.

Senators, I don't believe you have had an opportunity to ask a question. Let me see if Senator Whitehouse is with us. Senator Whitehouse?

Senator WHITEHOUSE. Yes, I am. Here I come on video as well. Thank you, Chairman.

Senator CARPER. There you are, good. Welcome.

Senator WHITEHOUSE. First of all, congratulations to both of you. I look forward to working with you to solve the urgent climate crisis that faces Rhode Island and the rest of the planet.

As you know, under present projections, if we don't get our arms around this, we are going to have to redraw the map of Rhode Island, because our coastline is going to change dramatically. We are going to lose enormous amounts of coastal property, and coastal livelihoods, to all of this. It is a big enough deal that even Freddie Mac is warning about a coastal property value crash that cascades through the rest of the economy, a little bit like the 2008 mortgage meltdown.

So this to coastal States like mine is deadly serious. I wanted to ask first, Ms. Mallory, the social cost of carbon has just been re-

vived by the Biden Administration, which I am very happy about. I think CEQ is probably going to oversee updating the number. We went back to the last established number, which I am glad we did. But we also need to make sure that the number is the most accurate number.

We also need to make sure that the social cost of carbon figures into as many administrative decisions and calculations as possible. Could you comment on where you intend to go at CEQ with the social cost of carbon?

Ms. MALLORY. Sure, Senator, thank you for that question. As you know, since I am outside of the Administration at this point, I haven't been engaged in any of the conversations about the social cost of carbon or the action that the Administration took last week. Under the executive Order that was issued several weeks ago, it identifies CEQ as a participant on the work group for the social cost of carbon, but the leads are in other organizations, OMB and I think the Council on Economic Advisors.

But we fully expect to participate in the work group as we look at the issues. Among the issues that were laid out last week and what the White House released was an indication that part of the analysis will consider what types of actions should be, where the social cost of carbon should be used.

So I think the question you are raising about the scope of the social cost of carbon is one that will be front and center in the work group activities that will go forward in the year. I do expect CEQ to be a part of that.

Senator WHITEHOUSE. Let's talk about oceans and coasts for a minute as well. The impact of climate change is obviously very strong in oceans. The chemistry is changing. They are acidifying, they are warming, it is multi-Hiroshima atom bomb equivalent of heat energy being added per second to the oceans per second, sea levels resultantly rising, fish populations moving around. As one Rhode Island fisherman said to me, things are getting weird out there, Sheldon. This is not my father's ocean.

Regrettably, I think we pay very little attention to that, even in the environmental community, because we are terrestrial beings. But the dangers of the oceans, if currents shift, or if we lose massive fisheries, or can no longer support coral reefs, are going to be immense. I hope I will have your commitment to look hard at these oceans and coasts questions, to take a particular look at the flood insurance program along the coasts. NFIP is up for renewal this year. At the moment, we have just been kicking the ball down the road, paying no attention to real reform.

We also have, and Dan Sullivan and I have done a lot of good work together, we also have the critical ocean plastics problem that the U.S. can play a big role in fixing. We are headed for a world of more plastic in the oceans than living fish in the oceans. That is not something that I think we should leave to our grandchildren.

So could you comment on the role of oceans at CEQ?

Ms. MALLORY. Yes, absolutely, Senator. Oceans have been, at least in my knowledge of CEQ, have been a part of the agenda for some time. We fully expect it to be a part of the agenda this time if I am confirmed.



Oceans is an area that we have partnered with the OSTP, the Office of Science and Technology Policy, around those issues in particular because of all the changes that you were describing in your opening in terms of figuring out what is the path forward. I fully expect to participate in that process.

Senator WHITEHOUSE. Chairman, do I have any time left on the clock?

Senator CARPER. You are a few seconds over. If you have a short question, go ahead.

Senator WHITEHOUSE. Ms. McCabe, methane. How much do know about methane leakage, how much do we need to know, and what are you going to do?

Ms. MCCABE. Thanks, Senator. This is an issue where there has been continuing research on understanding the levels of methane, where it is coming from and what we can do to reduce it. Methane is a very powerful climate forcing pollutant.

So I look forward, if confirmed, to working with the scientists at EPA and everywhere to understand this issue as well as we can. If we don't know what is out there, it is very hard to have sound policy around it.

Senator WHITEHOUSE. Thanks, Chairman. I would just point out that if you don't know what your methane load is, your methane leakage load, it is hard to assess how good natural gas is as a climate alternative. Thanks very much.

Senator CARPER. Senator Whitehouse, thanks very much for joining us. Senator Ernst, you are next.

Senator ERNST. Thank you, Mr. Chair. I appreciate it.

Ladies, thank you so much for being here today. I really do appreciate the opportunity to sit down with you face to face and ask a few questions.

For both of you, please, in a February interview, White House National Climate Advisor Gina McCarthy had stated, "We have to get the middle of the Country understanding and active on climate. We have to show them what resilience looks like." Would you both agree with this statement and why or why not?

Ms. MCCABE. Since I come from the middle of the Country, maybe I can go first. I work at an organization set up by Indiana University called the Environmental Resilience Institute. Folks in the Midwest are very aware of what is going on in their environment, and very eager to work across their States to come up with approaches that will allow them to be more resilient in the face of environmental challenges.

Senator ERNST. Ms. Mallory?

Ms. MALLORY. Senator, I don't know the context of that statement, but what I do know is that we see the impacts that are affecting different areas of the Country very differently. I think it is important for us to understand what those differences are, and what the tools are that are available for us to address it.

So I think it is an important part of understanding the climate impacts that we are experiencing if we are going to figure out ways to address them.

Senator ERNST. Certainly, I would agree. Thank you, Ms. McCabe, as well. I know that we had such a great discussion about solutions from the land, and so forth. I just want to emphasize that

what the climate advisor is stating when she addresses the middle of the Country I would want to point out to her, and I hope in your capacity, if confirmed, you would be able to communicate that we are concerned about resilience in the Midwest and across the middle of the Country.

Right now, in Iowa, wind energy provides 40 percent or better of our electric, more than any other State. We didn't have to have any big mandates coming from the Federal Government to do that. It is something that we are driven to do in the Midwest. There weren't any job-killing mandates, no additional taxes, no fees. It was all very incentive-driven by the people in Iowa and the companies that supported those programs.

The latest data from a Harvard study also shows that first generation ethanol, Iowa is the No. 1 producer of ethanol, reduces emissions by 46 percent and biodiesel produced from soy is 66 percent to 72 percent less carbon-intensive than petroleum diesel and biodiesel from other types of feedstocks.

So this was an affront. Many of us across middle America have taken this as just another example from Ms. McCarthy as a "we know best" attitude that is pretty common amongst our coastal elite counterparts. I think that Iowa has set a very, very good standard for others to follow. I hope that if given the opportunity, you will visit us in middle America, and see some of the wonderful things that we are doing in the space of green energy.

Again, it is not driven by big Federal mandates. It is because we believe in what we do, and we as Midwesterners have resilience.

I want to talk about permitting as well. Ms. Mallory, permitting. As you know, on January 21st, President Biden revoked President Trump's August 2017 Executive Order that created the One Federal Decision policy, which requires agencies to process as one Federal decision environmental reviews and authorization decisions for major infrastructure projects. Infrastructure is going to be a hot topic for a number of years. And to complete the NEPA process within an average of 2 years.

Do you agree with President Biden's decision, why or why not?

Ms. MALLORY. I would say that that Executive Order revoked that Executive Order, but also told CEQ and OMB to look at that policy, to see whether or not it should be revised or reinstated. So I don't think the issue is off the table. In fact, I also believe that the elements of the One Decision policy are integrated into the 2020 regulation itself.

So the issue has not gone away. The question is, is there a way for us to address the approach to permitting in a way that also responds to the other values that we are going after, making sure that you have good data, making sure that communities are participating, making sure that we can do it in a way that ensures that we get our projects done in a timely manner.

Senator ERNST. Thank you. I do believe we need to find ways to speed along the permitting process, of course, taking into account our values. But certainly, infrastructure will continue to be a very important topic for us to discuss, especially right here in this committee.

Thank you, Mr. Chair, very much. Thank you, ladies, for being here today. I appreciate it.

Senator CARPER. Senator Ernst, thank you so much for joining us and for your questions.

Ms. McCabe, how far away is Indianapolis away from Iowa?

Ms. MCCABE. From Iowa? It is pretty close.

Senator CARPER. How close?

Ms. MCCABE. You sort of go halfway across Indiana, then you do Illinois, and then you are there.

Senator CARPER. Have you ever been there?

Ms. MCCABE. To Iowa, I am sure that I have been to Iowa.

Senator CARPER. All right. You may want to go again.

Senator Cramer, you are next. Senator Capito and I are going to yield to you and if no one else shows up, then we will wrap it up.

Senator CRAMER. All right, thank you very much.

Since Senator Ernst raised the issue of Ms. McCarthy's comment about resiliency and the ignorance of the Midwest, I am going to tag onto that a little bit. I am not going to brag so much about all the wind that we have in North Dakota; we do have a lot of it.

But I would say this. Winter is an annual event, it is not a vortex. We don't shut the lights off because it is cold. We crank up the coal and the gas to make sure that people stay warm. We don't shift the gas away from manufacturing or heating homes to go over here to a peaking station. We have been talking about the resiliency of the grid for decades before it was the cool thing to do.

So we really, I would just say to you, Ms. McCabe, I am all about second and third and fourth chances. I am grateful for all of them that I got. You have a steeper hill to climb, frankly, than most. Largely because in 2014, you stood, you sat before this same committee and promised federalism. You did it again today, promised federalism, considering the States, listening to the States.

Yet the Clean Power Plan proved to be one of the most overbearing big government impositions on States ever, which is why 26 States successfully litigated it, including mine.

One of the biggest problems, and this is why you have a lot to answer for, frankly, with regard to what you call your proudest accomplishment. The proposed rule, the Clean Power Plan, required North Dakota to cut its CO2 emissions by 11 percent. Now, reasonable, nice Midwesterners say, 11 percent, don't like it, I don't like the prescription. That is another whole factor. But we could probably do 11 percent.

Then of course, the final rule comes out, and since everybody just said, well, 11 percent, let's play along, let's do our part, rather than stand against this thing. It was 45 percent. Forty-five percent, just dropped on a State like North Dakota, that either way is one of the handful or so of States that meet all ambient air quality stands as prescribed by the EPA. We are very proud of that. We love our air. We love our land. We rely on all of that.

So, and I have been pushing Mr. Regan really hard on this. I voted for him out of this committee, with an understanding that he is going to keep an open mind and he is going to talk to the people of North Dakota, and that he is going to be sincere about it. And he seems to be. Your history with us makes it a lot more difficult.

So, that lack of transparency and stakeholder interaction, particularly with middle America, is a tough one for us to get over. For me to vote for you, I would have to explain myself pretty clearly

to North Dakotans. So I am going to give you the moment for a couple of minutes to tell North Dakotans why we ought to give you another chance at this.

Ms. McCABE. Senator, I really thank you for being so candid with me. I am sorry we didn't have a chance to chat before the hearing. I hope we will have a chance to chat afterwards. I would love to do that.

I understand your position and what you are saying. I have to tell you that when I was working at EPA before, I was absolutely sincere in my commitment to involve everybody. I know that there are many who disagree with the outcome of that rule.

But in terms of listening to people and hearing people and taking everybody's perspective into account, we certainly did that in the lengthy process that we went through on the Clean Power Plan. The final rule, as I said a minute ago, the rule was about carbon emissions. My State is also a State with a lot of fossil energy. It had a large reduction expectation as well.

But what we tried to do in that rule was build a very flexible approach. We talked for hour and hours with State officials about how to do this in a way to provide flexibility so that the goal of the rule, which was to reduce carbon emissions, could be done in the most flexible way, giving States as many options as possible to work together, to work internally, to work with other States all across the Country to make that happen.

I think we have had success in this Country with programs like the Acid Rain Program, in allowing flexible approaches to do these things affordably.

Senator CRAMER. I would submit to you that you have had success in lots of areas, NOX, SOX, mercury, particulate matter, because you worked with States and stakeholders and the innovators that actually do the production of the energy met those. But when you pull a bait and switch from 11 percent to 45 percent, it is hard to, whether you go outside the fence line, or whether you stay inside the fence line, these are important matters, as you know. It is why the litigation was successful.

I appreciate your answer. Don't worry, I will always be candid. But I will always do it with a smile. I appreciate it. Thank you. I yield my time.

Senator CARPER. When he is not smiling, you know you have a problem.

I think next up, joining us by WebEx, is Senator Lummis. Senator Lummis, are you there?

Senator LUMMIS. Thank you so much, Mr. Chairman. I am in between hearings, so I am going to be quick.

First of all, I really want to thank both Ms. McCabe and Ms. Mallory for spending time with me before the hearing. We are dealing with some of the same tough problems that the Senator from North Dakota just mentioned.

I would tell you with regard to refineries specifically, I live right next door in Cheyenne, Wyoming, to the HollyFrontier Refinery, which just because of the small refiners exemption and the inability to get that exemption, we lost 200 jobs because that oil refinery is being converted into a soybean refinery. The 260 jobs that were

there are now 60 jobs. Those people were moved elsewhere in the Country.

So it was a tremendous blow to us. These things are happening as a consequence, a direct consequence, a singular consequence, of Federal regulation.

So my question for Ms. McCabe is, in the wake of these refinery closures and downsizing, and the resulting increases in imported fuels, how will you ensure that EPA policy doesn't weaken energy security by increasing dependence on imported fuels?

Ms. MCCABE. Thank you, Senator. Certainly, energy security, energy independence, and affordable energy are critical priorities for this Country and for this Administration. So if I am confirmed, and to the extent that my duties involve me in these kinds of questions, I will have that very, very much in mind.

Senator LUMMIS. The jobs issues for our States, as you have heard from Senator Sullivan and Senator Cramer and others, it is hugely consequential. You can say in theory that jobs will not be lost or people will be retrained or energy that is non-emitting will replace the jobs of emitters. But in fact, it just hasn't happened that way.

So it is important that we protect jobs at the same time that we are protecting the environment and making environmental improvements. We want that. As Senator Sullivan says, nobody cares more about the environment in their State than the people who live there. That is true in Wyoming, too, and we are very proud of our environmental record.

But we are very concerned about approaches that set targets that just cost jobs and don't improve the environment. I want to work with you on these issues, believe me, I do. It matters so much to our State.

Thank you for your time. Thank you for your willingness to step up.

Mr. Chairman, thank you for the time today as well. I yield back.

Senator CARPER. Senator Lummis, thanks so much.

I think Senator Kelly may be out there somewhere. Senator Kelly, can you hear us?

Senator KELLY. Yes, Mr. Chairman. Thanks for holding this important hearing. And thank you to Ms. McCabe and Ms. Mallory for joining us today, and for your willingness to serve in these roles. Both of these positions to which you are nominated are very consequential to the State of Arizona and for our Country.

So let me just jump in with a question here. I want to start with Ms. Mallory.

Ms. Mallory, the Council on Environmental Quality is essentially the compliance officer for every environmental impact statement issued by a Federal agency under the NEPA process, the National Environmental Policy Act.

Arizona is one of the top mining producers in the world. To get to a carbon free future, we need to have copper, lithium, nickel, cobalt and other strategic minerals to build solar panels and to build electric vehicles and high capacity, high density batteries. The World Bank estimates that 3 billion tons of minerals are needed for green technology worldwide to accomplish this. And I fully support the NEPA processes that are out there.

But the average time it takes to permit a mine in the U.S. is about 10 years, in part because of the lengthy and complex Federal permitting and EIS review process. We need strong environmental reviews.

But is there a way that you know of, is there a way to increase the speed and accuracy of environmental impact statements for mines that produce critical minerals without compromising the integrity of NEPA?

Ms. MALLORY. Thank you, Senator. As I was saying earlier, I think that in some ways, that is the challenge that CEQ is facing right now for a number of activities. Infrastructure is the topic we were discussing before.

I think the issue is, as you have emphasized, we need to make sure that we are not making changes to our process, a process that has been in place for over 50 years, that undermine what the goal is. At a time when the environmental impacts that we are facing from climate change and other things are so grave, we don't want to lose the value that the NEPA process can bring to our decision-making.

But we also need to figure out ways that will allow us to make these important decisions in a timely way. So that is the charge that I believe is central to the role that I would play at CEQ if confirmed.

Senator KELLY. Thank you.

I think I have a couple more minutes. Let me address the next question to Ms. McCabe. Luke Air Force Base last week, it is in the west valley of Phoenix, announced recently that recent tests of the drinking water near the base tested positive for high levels of dissolved PFAS, PFOA and PFAS, in excess of the EPA's lifetime health advisory for drinking water. That has prompted the Air Force and the Arizona Department of Environmental Quality to urge more than 1,600 homes, 1,600 of them, and neighboring businesses, to avoid drinking tap water. The Air Force has begun, as they should, distributing bottled water to affected Arizonans.

PFAS contamination is not just an issue in the west valley. To date, more than a dozen water systems across Arizona have found high levels of harmful PFAS chemicals. Yet, as you know, the EPA has not designated PFAS chemicals as hazardous substances.

So if confirmed, what steps do you believe the EPA could take to help protect Arizona communities, especially those near our Air Force installations and airports from PFAS contamination?

Ms. MCCABE. Thank you, Senator.

This is an issue that is affecting the entire Country. I know that areas around military bases are often finding these contaminants in a way that is really concerning.

My understanding, and Senator, these areas are not my historical areas of expertise. But I know that there are a number of different approaches that are within the environmental statutes, environmental authority of EPA, to be looking at this chemical. Steps are already being taken by this Administration to move forward on those.

If I am confirmed and if Secretary Regan asks me to help work on these issues, I certainly will be working with your office, other Members of Congress and all stakeholders to move these issues for-

ward in appropriate legal mechanisms to bring protection to the drinking water of this Country.

Senator KELLY. Thank you for that. I look forward to working with you as well, Ms. McCabe.

Mr. Chairman, apologies for taking a little extra time here.

Senator CARPER. No apology necessary. Thank you, Senator Kelly.

As it turns out, Senator Kelly, our Ranking Member and yours truly have a keen interest in PFAS groundwater pollution, both in West Virginia and in Delaware. We are told about 300 communities across the Country where this is a real problem for families. We are anxious to get going on it.

All right, Senator Wicker was here. Here he is. Senator Wicker is here.

Senator WICKER. Thank you, Mr. Chairman.

Mr. Chairman, I would note Senator Kelly is a junior, brand new Senator, otherwise he would not have felt he should apologize for taking an extra 25 seconds.

Senator CARPER. That is probably the first and only time we will hear that apology.

[Laughter.]

Senator WICKER. I think he made a great point. There are minerals in his State of Arizona and all over the United States that are vital to manufacturing clean technology. Yet they have to be mined, and somehow the mining regulations need to be loosened up a little so that these essential minerals can be utilized to make the environment better. Good point there from Senator Kelly.

Let me ask you this, Ms. Mallory. Do you agree that wood is a cost-effective, energy-efficient and sustainable solution for building construction?

Ms. MALLORY. Senator, I feel like there is a technical aspect to that question that I am not sure I understand. I believe that wood is an important ingredient. I don't know if I would go so far as to say it is cost-effective and whatever the last words were.

Senator WICKER. OK, that is a bit telling right there. Let me just say that it is compared, I believe that it is, and I believe most Americans do. Also as compared to other building materials, wood products are derived from a renewable resource and are responsible for less air pollution and less water pollution.

That brings me to an act by the EPA back in 2015, where they issued an interim regulation for Federal procurement of wood products based on the Council on Environmental Quality implementing instructions. The recommendations, which happily have been overturned, would have resulted in potential exclusion of wood products from over 95 percent of U.S. timberlands, including more than 80 million acres of certified U.S. forests in Federal procurement projects.

We were able, in the 2018 Farm Bill, to include a provision which prohibits procuring agencies from establishing regulations against procurement of such excellent sources of construction as bio-based products.

Let me just ask you, are you aware that there are a lot of alliances of wood-growing entities around the Country that are concerned that the new Administration could work around this solu-

tion in the Farm Bill and implement regulations similar to the one we had in 2015, which basically disadvantages disadvantaged forest resources in almost all of the 50 States?

Ms. MALLORY. Senator, I am not really aware of the alliance that you are speaking of, but I would be happy to learn more, if confirmed. I understand that biomass and bio ingredients are an issue that is getting, and should get, more attention in terms of figuring out what our climate solutions are. And I am happy to be part of that.

Senator WICKER. I appreciate that assurance. Let me just say that the resistance to what was attempted in 2015 was bipartisan and it covered almost every geographical area of the United States, from the southeast where I live up to New England and other areas.

Briefly, Ms. McCabe, there was a feeling back in the Obama administration when developing the Clean Power Plan that there was a Washington, DC. decision forced on the States, and we didn't have a practice of cooperative federalism then. Do you agree that by working with State environmental agencies, we can oftentimes result in the same efficiencies and the same clear result by listening to local and State regulators at the same time?

Ms. MCCABE. Senator, I totally agree that EPA has to do its work in partnership and cooperation with State and local agencies.

Senator WICKER. Thank you very much.

Mr. Chairman, I am delighted to yield back 24 seconds.

[Laughter.]

Senator CARPER. It is a record.

All right. I thank you for those questions.

I do have some followup questions of my own, but I will save them until the end.

Senator Capito, please.

Senator CAPITO. Thank you, thank you both. We are closing in on it here.

I wanted to get this question on the record to you, Ms. Mallory, because it is an issue that is important to all of us. Certainly, the deployment of broadband in this Country is woefully behind, and in this pandemic we see how much that is affecting students, health care, ability to telecommute and all kinds of things.

There is a working group at the FCC, the Broadband Deployment Advisory Committee, that is recommending that agencies finalize categorical exclusions that exempt broadband projects from the NEPA process. As a matter of fact, in 2010, the Obama administration's CEQ noted that "Appropriate reliance on categorical exclusions provides a reasonable, proportionate, and effective analysis for many proposed actions, helping agencies reduce their paperwork."

So we need to deploy this as quickly as possible. I guess what I am asking you, would you look at this issue of categorical exclusions that I think, as we have pumped a lot of money into broadband deployment. But if we get it hung up into all kinds of permitting, we are going to end up elongating it and making those projects more expensive.

So I would just like to have your opinion on this, or at least some assurances that this is something you will take up.



Ms. MALLORY. Thank you, Senator, absolutely. If I am confirmed, I would look into and be brief on the issue of broadband categorical exclusions.

Senator CAPITO. Thank you.

I want to talk about environmental justice. I know that Ms. McCabe and I talked about it on our Zoom, I am not sure that we did. It has been touched on, and you can see, with the job loss issues. As I think of environmental justice and understanding that it is somebody living next to a polluted area, can't move, they don't have the wherewithal or the money to be able to change that or clean it up or all those kinds of things.

But I also think with joblessness comes an expanded environmental hazard, when you have people who have depression or opioid addictions or joblessness or hopelessness, you end up, the environment surrounding those types of folks, those folks, those homes and those communities I think can be just as damaging to our environment in some ways as maybe a factory or a power plant or some other kind of, well, you can directly say that is an environmental hazard.

I guess what I am asking is, do you agree with what I am saying in terms of the joblessness issue? Does environmental justice encompass those kinds of concepts that I am putting forward? Help me understand your perspective on that. We will start with you, Ms. McCabe.

Ms. MCCABE. Thank you, Senator.

Any job loss is a terrible thing. I agree with you that we have communities across this Country that are suffering greatly. The pandemic is just making it worse. You have my total agreement there.

I think we need to pay attention to all of these issues. I think that President Biden has reflected, in his Executive Orders, that paying attention to communities that are affected by the transition to a climate, a more climate safe world, those impacts are real. The government needs to be paying attention to those.

So I do agree with you that we have to pay attention to these issues.

Senator CAPITO. Ms. Mallory.

Ms. MALLORY. Thank you, Senator Capito. I guess what I would say is I definitely agree that those are problems that need attention, and that we are prioritizing in terms of thinking about the broader agenda. Whether they always fall under a category of environmental justice, I am not sure. But it doesn't matter, because I think they are priorities that we need to figure out ways to address.

Senator CAPITO. Well, in this it does matter. Because there is a great emphasis in this Administration on environmental justice and equity. That is a lot of the words that are used. As a matter of fact, this COVID bill has, for some reason, some money in there for environmental justice. I don't agree with it being exactly COVID related, but that is a whole different topic.

So I think it does matter, because we are going to put a lot of resources into this, meaning Federal dollars. I know there have been some promises in some of the Executive Orders that 40 percent of whatever the benefits would be from green energy is going to go

back into the communities. But you can hear the skepticism of the States that have been impacted before. Some of us kind of feel like it is sort of a little pat on the head, and you are going to be OK.

I am glad to hear you talk about transitions, because we didn't really have a transition, I didn't think, under the Obama administration. We lost thousands of jobs, and really shuttered a lot of our communities.

Last question is, you have Gina McCarthy as the climate czar, and John Kerry as another climate czar. Then Ms. Mallory at CEQ, and then you and Michael Regan at EPA. How does this all fit together? Who is the lead here? I don't know if you have had these discussions with Gina McCarthy or the President himself as to who is going to be the lead on environmental policies and whose voices should we be listening to? Will it be one coordinated voice? But who is going to be the one who is going to be the spokesperson, I guess is my question.

I asked Michael Regan the same thing. If you have a quick response, or I could add that to a written question. Ms. Mallory?

Ms. MALLORY. The way that I see the issue is that there is a coordination activity that is occurring around climate change that the new White House positions are helping to orchestrate with every agency and every other part of the Administration kind of bringing to bear the expertise that their organizations offer.

So CEQ will be working around these issues in partnership with Gina and others and the White House that are designed to actually have us all end up with the President's agenda being met.

Senator CAPITO. Ms. McCabe.

Ms. MCCABE. Well, I haven't had any conversations with Gina or anybody else, other than Secretary Regan. He made clear to you that he will be making the decisions at EPA, accountable to the President and carrying out EPA's responsibilities. And that will be my experience as well, if confirmed.

Senator CAPITO. Yes, I think that is what we would like to see. I mean, certainly from my perspective, because I think the more transparency we have, more accountability, we can ask the right questions and you can give us the right information for us to be able to react.

Thank you both for being here today. Thank you.

Senator CARPER. Senator Capito, thanks so much.

I have a couple of UC requests and I have a couple of questions and we will close it out.

I would like to ask unanimous consent to submit for the record a fact sheet from EPA on the Clean Power Plan that states that the agency received 4.3 million public comments before finalizing the rule. Is that correct?

Ms. MCCABE. It was four plus million, yes, sir.

Senator CARPER. Did you respond to any of those?

Ms. MCCABE. We responded to every substantive comment, Senator.

Senator CARPER. That is a lot. OK, thank you.

[The referenced information follows:]

US EPA ARCHIVE DOCUMENT



## BY THE NUMBERS

### CUTTING CARBON POLLUTION FROM POWER PLANTS

On August 3, President Obama and EPA announced the Clean Power Plan – a historic and important step in reducing carbon pollution from power plants that takes real action on climate change. Shaped by years of unprecedented outreach and public engagement, the final Clean Power Plan is fair, flexible and designed to strengthen the fast-growing trend toward cleaner and lower-polluting American energy. With strong but achievable standards for power plants, and customized goals for states to cut the carbon pollution that is driving climate change, the Clean Power Plan provides national consistency, accountability and a level playing field while reflecting each state's energy mix. It also shows the world that the United States is committed to leading global efforts to address climate change.

#### ENSURING AND BUILDING ON CLEAN ENERGY MOMENTUM

- Power plants are the **largest source** of carbon dioxide emissions in the United States, making up roughly **one-third** of all domestic greenhouse gas emissions.
- The transition to clean energy is happening faster than anticipated. This means carbon and air pollution is already decreasing, improving public health **each and every year**.
- The Clean Power Plan accelerates this momentum, putting us on pace to cut this dangerous pollution to **historically low levels** in the future.
- When the Clean Power Plan is fully in place in 2030, carbon pollution from the power sector will be **32 percent below** 2005 levels – or **870 million tons less** carbon pollution – securing progress and making sure it continues.
- That's equal to the annual emissions from more than **166 million cars**, or **70% of the nation's passenger vehicles**.
- The transition to cleaner sources of energy will better protect Americans from other harmful air pollution, too. By 2030, emissions of SO<sub>2</sub> from power plants will be **90 percent lower** compared to 2005 levels, and emissions of NO<sub>x</sub> will be **72 percent lower**.

- Because these pollutants can create dangerous soot and smog, the historically low levels mean we will **avoid thousands of premature deaths** and mean thousands fewer asthma attacks and hospitalizations **in 2030 and every year beyond**.
- Within this larger context, the CPP itself is projected to contribute significant pollution reductions, resulting in important benefits.

#### THE CLEAN POWER PLAN HAS BIG PUBLIC HEALTH AND CLIMATE BENEFITS

- The Clean Power Plan has public health and climate benefits worth an estimated **\$34 billion to \$54 billion** per year in 2030, far outweighing the costs of **\$8.4 billion**.
- Reducing exposure to particle pollution and ozone in 2030 will avoid a projected
  - **1,500 to 3,600** premature deaths
  - **90,000** asthma attacks in children
  - **Up to 1,700** heart attacks
  - **1,700** hospital admissions
  - **300,000** missed school and work days
- From the soot and smog reductions alone, for every dollar invested through the Clean Power Plan – American families will see **up to \$4** in health benefits.
- The Clean Power Plan will reduce pollutants that contribute to the soot and smog that make people sick by **over 20 percent** in 2030.
  - **318,000 tons** of sulfur dioxide
  - **282,000 tons** of nitrogen dioxide
- In EPA's nearly **45-year history**, air pollution has decreased dramatically across the country, improving public health protection for all Americans while the economy has grown.

#### EPA LISTENED TO THE PUBLIC

- The plan takes into account the unprecedented input we received through numerous outreach efforts, including the **4.3 million comments** that were submitted to the agency during the **6-month public comment period**.

#### LOWER ELECTRICITY BILLS

Due to increased energy efficiency, the Clean Power Plan is projected to reduce electric bills by about **\$7 per month** by 2030.

#### NUMBER OF POWER PLANTS COVERED BY THE CLEAN POWER PLAN

- In the U.S., there are **1,000 fossil fuel fired power plants** with about **3,100 units** covered by this rule.
- Utility planners are already making plans to address an aging fleet. The average age of coal units is **43 years**. The average age of oil units is **46 years**. The average age of natural gas combined cycle units is **15 years**.

#### STATE CLIMATE, ENERGY EFFICIENCY AND RENEWABLE ENERGY POLICY STATISTICS

- States, cities and businesses are already leading the way with proven, widely adopted renewable energy and energy efficiency strategies that are substantially and cost-effectively lowering CO<sub>2</sub> emissions from the power sector. States will be able to use these types of programs in their plans to cut carbon pollution under the Clean Power Plan.
  - **50** states with demand-side energy efficiency programs
  - **37** states with renewable portfolio standards or goals
  - **10** states with market-based greenhouse gas emission programs
  - **25** states with energy efficiency standards or goals

#### STATE PLANS

- **September 6, 2016** – Initial submittal with request for extension or complete plan due.
- **September 6, 2017** – If state got an extension, submit a progress update.
- **September 6, 2018** – If state got an extension, submit final plan.

#### COMPLIANCE TIMEFRAME

- States and utilities will have **15 years** to meet the final goals by **2030**. Investment can begin **now**, with the period for mandatory reductions beginning in **2022**.

Senator CARPER. The second unanimous consent request would be to submit for the record a variety of other materials that include news articles, letters from stakeholders, reports, other materials that relate to today's nomination hearing.

Is there objection? Hearing none, so ordered.

[The referenced information follows:]



March 3, 2021

The Honorable Todd Young  
United States Senate  
185 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Michael Braun  
United States Senate  
374 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator Young and Senator Braun,

On behalf of Cummins Inc., I am writing today to express our support for the nomination of Janet McCabe for the position of Deputy Administrator of the United States Environmental Protection Agency (EPA). Founded over 100 years ago, Cummins Inc., headquartered in Columbus, Indiana, is a global power leader that brings the right technology solutions to market at the right time. These solutions include advanced diesel, natural gas, hybrid, electric and fuel cell and other technologies. We're powering the future through innovations that make people's lives better and reduces our environmental footprint. In service to this mission, we have a long history of working with regulators, including fellow-Hoosier Ms. McCabe to collaborate on the best ways to improve our air and climate.

Ms. McCabe's background makes her uniquely suited to lead the EPA at this critical time. An increasingly complex landscape of environmental challenges and innovative new technologies require nuanced, thoughtful and scientifically driven stewardship. Meanwhile, economy-wide investment in decarbonized and connected infrastructure for stationary power and transportation require a modernized and systematic approach to environmental policy and regulation based on the latest data, scientific analysis and application-specific expertise. Ms. McCabe's history of work addressing difficult environmental challenges and improving regulatory processes will be invaluable as the EPA works on these issues over the next 4 years. Her tenure at EPA's Office of Air and Radiation and her work as director of the Environmental Resilience Institute at Indiana University and as a professor of practice at the IU McKinney School of Law will be a tremendous asset to the Agency as it continues to protect our environment and preserve American competitiveness, by promoting US innovation as crucial to solving the climate crisis. Ms. McCabe understands and is willing to work with business along with other stakeholders to achieve the best results for our environment, health and economy.

Cummins Inc.  
301 E. Market Street  
Indianapolis, IN 46204 USA  
cummins.com



Ms. McCabe's history of leadership in this space, her collaborative process and her commitment to protecting our communities are invaluable assets to this country. We enthusiastically support Janet McCabe's nomination and look forward to working with Ms. McCabe following her confirmation. Thank you for your consideration; if we can be of any further assistance please contact Cathy Van Way, Vice President of Government Relations at [Catherine.vanway@cummins.com](mailto:Catherine.vanway@cummins.com).

Sincerely,

A handwritten signature in dark ink, appearing to read "Tom Linebarger", with a stylized, flowing script.

Tom Linebarger  
Chairman and Chief Executive Officer

# Newsweek

## OPINION

### We Helped Write the Clean Power Plan, and Trump's Do-Nothing Replacement Is an Outrage | Opinion

**GINA MCCARTHY, JANET MCCABE AND JOSEPH GOFFMAN**

ON 6/27/19 AT 6:00 AM EDT



We were part of the senior team at the Environmental Protection Agency (EPA) during the Obama administration, when the agency's mission truly was to protect the health of American families from dangerous pollution and act on perhaps the greatest challenge of our time: climate change.

Our work was built on laws passed by Congress, like the Clean Air Act, which created the tools we needed to carry out the mission; the tireless work of legions of our gifted and dedicated EPA career colleagues; and a president who was as committed to the mission as we were.

To us, success was the Clean Power Plan (CPP), a rule we and our colleagues wrote and President Barack Obama announced in August 2015. The CPP established the first-ever federal regulations to limit carbon dioxide—one of the chief pollutants causing climate change—from power plants. It's the same rule the Trump EPA repealed last week when it announced the Affordable Clean Energy (ACE) rule.

Had the CPP gone into effect, the EPA's 2015 analysis showed that by 2030 power plant CO<sub>2</sub> emissions would have fallen by 32 percent below 2005 levels and the pollutants that cause life-threatening smog and soot would have been reduced significantly. The CPP pollution cuts would have saved thousands of lives and prevented tens of thousands of pollution-related illnesses.

In sharp contrast, the Trump administration's ACE will achieve virtually no reductions in CO<sub>2</sub> emissions and next to no cuts in soot and smog pollution. It will prevent next to none of the premature deaths, cardiac problems, lung damage or asthma attacks suffered by the most vulnerable among us—our kids, seniors and poor families—that the CPP would have prevented.

The CPP was set to achieve these benefits because we looked at the entire energy system across the U.S. and embraced the Clean Air Act's directive to identify the "best system of emission reduction" when setting pollution standards. Because power plants operate as part of an interconnected grid, the best way to cut emissions is to shift electricity generation from the dirtiest plants, which happen to use coal, to lower-emitting sources such as natural gas, renewables or nuclear power.

Our approach took advantage of market forces and state and local policies that were already driving down CO<sub>2</sub> emissions by an estimated 12 to 15 percent below 2005 levels by 2030, locked in those reductions and then went far beyond to set pollution standards that doubled the amount of reductions electric utilities were already planning.



Gina McCarthy, as U.S. Environmental Protection Agency administrator, signs new regulations for power plants on June 2, 2014, in Washington, D.C.  
CHIP SOMODEVILLA/GETTY

But when the Trump EPA released its do-nothing rule, it disregarded the Clean Air Act and instead required the worst system of emission reduction. The agency relied on an extraordinarily narrow interpretation of the law to tie its own hands, limiting its authority to do anything more than require utilities to consider a small list of minimal technology fixes at power plants—and in some situations allow plants to forego reductions altogether.

Should states require plant operators to invest in minimal technology fixes, more efficient plants could be called upon to run longer each day and operate over an extended lifetime, emitting cumulatively more CO<sub>2</sub>. Worse still, when the agency makes good on its promise to relax a separate set of pollution control requirements that have operated under Clean Air Act rules for decades, the ACE could very well increase not only CO<sub>2</sub> emissions but also conventional air pollutants that contribute to the smog and soot that pose direct threats to our health and wellbeing.

Making matters worse still, events in the four years since the CPP was finalized only highlight the gross dereliction of the do-nothing approach of the Trump administration:

First, wildfires that leave entire towns homeless and increase breathing issues in downwind cities, storms with extraordinary destructive capacity, floods that wreck people's homes and disrupt crops across the Midwest have become increasingly commonplace. They give us a taste of the multiple threats posed by runaway climate change and underscore the urgency of vigorous EPA action to reduce CO<sub>2</sub> emissions well beyond the Trump plan.

Second, since 2015, the transition to clean energy has picked up speed, and it will likely continue to accelerate in the next 10 years.

The EPA could have and should have updated the CPP both to lock in the pollution reductions of this clean energy transition and take advantage of every reasonable, cost-effective opportunity to deepen and accelerate CO<sub>2</sub> reductions on a pace that reflects the sense of urgency that climate science now dictates.

In contrast, the Trump EPA turned the ACE into an opportunity to confirm its determination to do nothing to reduce the pollution that is causing

dangerous climate change, while boosting the coal industry and shielding it from regulation.

The real purpose of the rule, it appears, is to cement severe limits on the EPA's authority to ever require meaningful CO<sub>2</sub> reductions from power plants, which will keep us on a path toward devastating climate and health consequences.

Even if the Trump EPA believes that the specific approach of the CPP was illegal, it could still have required substantial reductions beyond the barely 1 percent reduction in CO<sub>2</sub> it claims for the ACE. For example, adding natural gas to coal at power plants where that can be done effectively, while encouraging states to use flexible compliance options to augment the rule's requirements, would yield additional emissions reductions.

The Trump administration hasn't just embraced new policy positions, as most new administrations do. It has chosen to [unravel](#), [defang](#) or [delay](#) 84 rules finalized during the Obama administration. It is dismantling the EPA's core science, regulation and enforcement functions.



The stacks from the Gavin coal burning power plant tower over the landscape on February 4, 2012, in Cheshire, Ohio.  
BENJAMIN LOWY/GETTY

Now, the administration's words and deeds demonstrate its callous disregard for the EPA's mission to protect public health and our precious natural resources in favor of its singular quest to save polluters money

even at the expense of our children's future. And in the meantime, we are running out of time to meet our moral obligation to prevent the most harmful impacts of climate change.

The three of us will continue to work with those who are fighting the climate crisis. Policy makers in many states, corporate boards and even some private investors are re-doubling their efforts to promote clean, low-carbon energy and respond to the Trump administration's actions. By doing so, they are already laying the groundwork for future national policies committed to sensible actions to stem this climate crisis.

*Gina McCarthy is the current director of the Center for Climate, Health and the Global Environment at the Harvard T.H. Chan School of Public Health and was administrator of the U.S. EPA from 2013 to 2017.*

*Janet McCabe is professor of practice at the Indiana University McKinney School of Law and was acting assistant administrator for the EPA's Office of Air and Radiation between 2013 and 2017.*

*Joseph Goffman is the executive director of the Environmental and Energy Law Program at Harvard Law School and was associate assistant administrator and senior counsel in the EPA's Office of Air and Radiation between 2009 and 2017.*

*The views expressed in this article are the writers' own.*



State of West Virginia  
Office of the Attorney General

Patrick Morrissey  
Attorney General

(304) 558-2021  
Fax (304) 558-0140

March 5, 2021

The Honorable Tom Carper  
Chairman  
Environment and Public Works Committee  
United States Senate  
513 Hart Senate Office Building  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Environment and Public Works Committee  
United States Senate  
172 Hart Senate Office Building  
Washington, DC 20510

Re: Nomination of Janet Gaven McCabe to be Deputy Administrator of the  
Environmental Protection Agency

Dear Chairman Carper and Senator Capito:

I write to you regarding your committee's consideration of President Biden's nomination of Janet Gaven McCabe to be Deputy Administrator of the Environmental Protection Agency. First, thank you for your leadership in conducting a thoughtful and informative hearing earlier this week that drove to the heart of the choice facing the Senate regarding this important nomination.

Ms. McCabe has twice been nominated for an important position at EPA, once by President Obama when the Senate was led by Senator Harry Reid, and again by President Obama when the Senate was led by Senator McConnell. In each case, the result was the same—her nomination was not confirmed and was returned to the President at the close of each Congress. These were the correct decisions. Her prior nominations were rightly not confirmed because Ms. McCabe was a key architect of the Clean Power Plan. For that same reason and many more, I am urging the Senate to once again not confirm Ms. McCabe.

The Clean Power Plan was fundamentally wrong on policy, wrong on process, and wrong on the law, which is why West Virginia led the 27-State coalition challenging it in court, where we obtained an extraordinary and unprecedented stay by the Supreme Court. It is critical for the



The Honorable Tom Carper  
 The Honorable Shelley Moore Capito  
 Page 2

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Senate to reject the Clean Power Plan by once again not confirming the nomination of Ms. McCabe to a key position at EPA. This isn't personal. It isn't about politics. There is a right and wrong path, and a bipartisan rejection of this nomination is one of the ways that we can steer the right course going forward rather than return to the mistakes of the past.

The Clean Power Plan's missteps were recognized by members of both parties inside and out of the Senate. Indeed, opposing the Clean Power Plan is one of the issues where Senator Joe Manchin and I have worked together, as he joined a brief supporting our litigation against the Clean Power Plan. We had red States and blue States join as well.

Unfortunately, Ms. McCabe and other architects of the Clean Power Plan succumbed to the allure of creating some jobs at the expense of many others, and that climate regulation can be used as a vehicle to achieve social and economic change as an end in and of itself. Otherwise, it is hard to understand why the Clean Power Plan tried to single-mindedly push America down the zero-emission path, even though that is the road to the destruction of not just West Virginia but the rest of the country as well—and even other natural resource rich countries around the world.

The reality is that climate change is not an economic opportunity. It should not become a tool to achieve radical change. Instead, climate change is a test. There is a right way to make decisions—through the rule of law and careful consideration of the many facets of this issue and its consequences for us all. The architects of the Clean Power Plan failed the test because they picked the wrong path, employed the wrong process, and flouted the law. We must do better. Because Ms. McCabe's nomination represents all of the failures and divisiveness of the Clean Power Plan, I respectfully and strongly urge your committee and the Senate to reject her third nomination to a key position at EPA.

Sincerely,



Patrick Morrissey  
 West Virginia Attorney General

cc: The Honorable Charles Schumer  
 Democratic Leader  
 The Honorable Mitch McConnell  
 Republican Leader  
 The Honorable Benjamin Cardin  
 The Honorable Bernard Sanders  
 The Honorable Sheldon Whitehouse  
 The Honorable Jeff Merkley  
 The Honorable Edward Markey  
 The Honorable Tammy Duckworth  
 The Honorable Debbie Stabenow



The Honorable Tom Carper  
The Honorable Shelley Moore Capito  
Page 3

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The Honorable Mark Kelly  
The Honorable Alex Padilla  
The Honorable James Inhofe  
The Honorable Kevin Cramer  
The Honorable Cynthia Lummis  
The Honorable Richard Shelby  
The Honorable John Boozman  
The Honorable Roger Wicker  
The Honorable Dan Sullivan  
The Honorable Joni Ernst  
The Honorable Lindsey Graham

March 2, 2021

The Honorable Chuck Schumer  
Majority Leader  
United States Senate  
Washington, DC 20510

The Honorable Mitch McConnell  
Minority Leader  
United States Senate  
Washington, DC 20510

The Honorable Tom Carper  
Chairman  
Committee on Environment and  
Public Works  
United States Senate  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and  
Public Works  
United States Senate  
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Carper, and Ranking Member Capito:

On behalf of our millions of members and supporters, we write in strong support of the nomination of Brenda Mallory to be the next Chair of the Council on Environmental Quality (CEQ). Brenda Mallory's highly regarded expertise on environmental public policy and law for over 35 years makes her an ideal candidate to lead CEQ in its critical role to coordinate federal efforts related to the environment and public health.

As the Director of Regulatory Policy at the Southern Environmental Law Center, Brenda Mallory led the development and implementation of the Center's regulatory policy agenda, placing particular emphasis on securing environmental protections for all communities. One particular responsibility of CEQ is coordinating the efficient and effective review by agencies of the environmental and public health impacts of major infrastructure projects, including highways and pipelines—which have often ended up near communities of color, exposing them to the burden of the pollution and toxic chemicals released from these projects. President Biden pledged to make addressing systemic racial and environmental injustices a core part of his climate change agenda. Brenda Mallory's nomination shows this administration intends to immediately start fulfilling these promises with the full expectation of CEQ expanding its focus on environmental justice under her leadership.

With nearly two decades of working for the federal government at the Environmental Protection Agency (EPA) as well as previously serving as General Counsel at CEQ, Brenda Mallory is poised to be able to truly hit the ground running on day one. Her long tenure at EPA spanned both Democratic and Republican administrations, providing her with the political foundation to approach environmental protection in a bipartisan way. But it is her detailed, substantive knowledge of CEQ's policies as well as the inner-workings of the agency that prove Mallory can and will effectively lead, listening to the public while ushering other federal agencies towards moving climate action forward.

As we work to build back a prosperous economy that provides millions of good-paying clean energy jobs, we need leaders who are able to see this opportunity through successfully. Brenda Mallory has a deep understanding of the issues involved and a commitment to achieving these goals. She is an outstanding addition to further elevate environmental justice within the White House, to protect

public health, and to lead the climate fight with her expertise on resilience and equity. Her confirmation will help the Biden Administration meet the goals of an equitable and just transition to a clean and prosperous economy, and our organizations urge that the Senate swiftly confirm this highly qualified nominee.

Sincerely,

Alaska Wilderness League  
 Alliance for the Great Lakes  
 American Rivers  
 Azul  
 Black Millennials 4 Flint  
 Center for American Progress  
 Center for Biological Diversity  
 Children's Environmental Health Network  
 Clean Water Action  
 Climate Hawks Vote  
 Climate Law & Policy Project  
 Climate Reality Project  
 Conservation Lands Foundation  
 Dayenu: A Jewish Call to Climate Action  
 Deep South Center for Environmental Justice  
 Defend Our Future  
 Defenders of Wildlife  
 Dogwood Alliance  
 Environmental Defense Fund  
 Environmental Law & Policy Center  
 Evangelical Environmental Network  
 Green The Church  
 GreenLatinos  
 Healthy Gulf  
 Hispanic Access Foundation  
 Illinois Council of Trout Unlimited  
 Interfaith Power & Light  
 League of Conservation Voters  
 MIT Alumni for Climate Action  
 Moms Clean Air Force  
 Mormon Environmental Stewardship Alliance  
 MountainTrue  
 National Audubon Society  
 National Hispanic Medical Association  
 National Latino Farmers & Ranchers Trade Association  
 National Ocean Protection Coalition  
 National Parks Conservation Association  
 National Wildlife Federation  
 Natural Heritage Institute  
 Natural Resources Council of Maine

NC League of Conservation Voters  
 New Mexico Interfaith Power and Light  
 North Carolina Council of Churches  
 North Carolina Interfaith Power & Light  
 Northeastern Minnesotans for Wilderness  
 Ocean Conservancy  
 Oceana  
 Oil Change International  
 Partnership for Policy Integrity  
 PennFuture  
 Potomac Riverkeeper Network  
 Rachel Carson Council  
 Sierra Club  
 Southern Utah Wilderness Alliance  
 The CLEO Institute  
 The Trust for Public Land  
 The Wilderness Society  
 Union of Concerned Scientists  
 Waterkeeper Alliance  
 WE ACT for Environmental Justice

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 Environmental Defense Fund

Benjamin F. Wilson  
 Beveridge & Diamond, PC

Jeannette Wolfley  
 University of New Mexico School of  
 Law



February 2, 2021

The Honorable Tom Carper  
 Chairman  
 Committee on Environment and Public Works  
 United States Senate  
 Washington, DC 20510

The Honorable Shelley Moore Capito  
 Ranking Member  
 Committee on Environment and Public Works  
 United States Senate  
 Washington, DC 20510

Dear Chairman Carper, Ranking Member Capito, and Respected Members of the Committee:

With great enthusiasm and pride, the members of the Executive Committee of the American College of Environmental Lawyers heartily endorse and support President Biden's nomination of Brenda Mallory to serve as Chair of the Council on Environmental Quality (CEQ).

The American College of Environmental Lawyers (ACOEL or the College) is a professional association of distinguished lawyers who practice in the field of environmental law and who are recognized by their peers as being preeminent in their field. Membership in the ACOEL is by invitation only. ACOEL members are dedicated to maintaining and improving the ethical practice of environmental law; the administration of justice; and the development of environmental law at both the state and federal level. The College's governing body is its Executive Committee, which is made up of the ACOEL officers and the chairs of the ACOEL standing committees.

ACOEL's members are attorneys in private practice, in public service (with the federal government or state governments), in academia, and in nongovernmental advocacy organizations. Our members are geographically diverse (we include members from forty-eight states), have diverse legal practices, and represent a broad range of political viewpoints. Many of our members have served in senior Department of Justice (DOJ) and Environmental Protection Agency (EPA) positions in both Democratic and Republican administrations. For example, former ACOEL presidents John Cruden and Carol Dinkins headed the DOJ's Environment and Natural Resources Division during the Obama and Reagan administrations, respectively. Similarly, ACOEL members Ray Ludwizewski and Jim Barnes served as EPA General Counsel during the George H.W. Bush and Carter presidencies; and during the past two years, ACOEL member Alexandra Dunn served as EPA's Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.

The ACOEL Executive Committee enthusiastically supports Brenda Mallory's nomination to lead CEQ. Brenda became a member of ACOEL in 2016 and since then she has contributed substantially to College activities in many ways. Most significantly, Brenda has chaired the ACOEL's Membership Committee, which oversees ACOEL's efforts to identify, vet, and recruit exemplary new College members. Those of us on the ACOEL Executive Committee recognize Brenda Mallory as a gifted writer and a talented and thoughtful lawyer with significant expertise in environmental and natural resource issues. While previously serving in the federal government, she demonstrated an ability to work collaboratively with those on both sides of the aisle in order to advance policies in the best interests of the country. And she has brought those same skills to the work she has done with the ACOEL, consistently acting with skill, tact, and grace to bring together people with very different and conflicting positions.

In summary, based on years of working with Brenda, the Executive Committee of the American College of Environmental Lawyers believe that Brenda Mallory is a respected public servant with a long record of civil service who would serve in the role of Chair of the Council of Environmental Quality with integrity and honor.

For these reasons, the ACOEL Executive Committee strongly recommends Brenda Mallory's confirmation as Chair of the Council on Environmental Quality.

Signed,



ACOEL Executive Committee

By Michael D. Hockley for Mary Ellen Ternes, President

February 24, 2021

The Honorable Thomas Carper, Chair  
U.S. Senate Committee on Environment and Public Works  
514 Hart Senate Office Building  
U.S. Senate  
Washington, D.C., 20510

The Honorable Shelley Moore Capito, Ranking Member  
U.S. Senate Committee on Environment and Public Works  
172 Russell Senate Office Building  
U.S. Senate  
Washington, D.C., 20510

*Re: "Nomination of Brenda Mallory for Chair of the White House Council on Environmental Quality (CEQ)"*

Dear Chairman Carper and Ranking Member Capito:

On behalf of our 80 organizations, representing millions of supporters and members, we write to offer our strongest support for the nomination of Brenda Mallory as Chair of the White House Council on Environmental Quality (CEQ). Brenda Mallory is a supremely qualified nominee. As a veteran of the Environmental Protection Agency (EPA) and former General Counsel to CEQ, her experience and expertise offer President Biden the skills necessary to address both the climate crisis and the racial injustices embedded in the federal decision-making process.

Congress established CEQ within the Executive Office of the President when it passed the National Environmental Policy Act (NEPA) of 1969 and charged it with the critical responsibility of ensuring the programs and activities of the Federal Government not only improve environmental quality, but also meet the conservation, social, economic, and health needs of the Nation. CEQ's leadership and coordinating role within the Executive Branch is of increasing importance given the urgency and cross-cutting nature of the climate crisis, biodiversity loss, and systemic disproportionate impacts of environmental burdens on environmental justice communities. The Chair serves as the President's foremost environmental advisor and will play a critical role in meeting these challenges. Most prominently, CEQ is responsible for overseeing and implementing the National Environmental Policy Act (NEPA) across more than 80 federal agencies.

NEPA is rightfully referred to as the "Magna Carta" of environmental policy and provides the procedural framework for assessing the effects of federal agencies' proposed actions. This environmental review and public engagement process under NEPA is the primary way in which federal agencies assess and disclose the environmental, health, economic, and disproportionate impacts their decision-making may have on the human environment. Critically, NEPA also provides the most widespread mechanism in government for obtaining meaningful public involvement in decisions impacting the health and well-being of their communities. Implemented consistent with Congressional intent, NEPA promotes better environmental outcomes, gives

communities a much-needed voice, and is a proven bulwark against hasty decisions that waste taxpayer dollars.

Under President Trump, CEQ abdicated these responsibilities when the agency upended 50 years of precedent and regulatory certainty to gut its longstanding NEPA implementing regulations. The rule was a blatant attempt to institutionalize federal climate denial, restrict meaningful public engagement in federal decision-making, and place polluters in charge of the environmental review process under NEPA. Left to stand, this rule would sideline state and local governments from the federal decision-making process and silence the voice of frontline communities. CEQ must take immediate action to revise these NEPA implementing regulations so that the impacts of agency actions are reviewed and disclosed, and communities can once again have a say in federal decisions. We believe that Brenda Mallory possesses the leadership necessary to restore and strengthen the NEPA and elevate CEQ's leadership role inside the White House.

It is no secret that the country is badly in need of an infrastructure upgrade. In 2017, the crumbling state of America's infrastructure earned it a grade of D+ from the American Society of Civil Engineers. The prospect of passage of major infrastructure legislation – legislation with the potential to prioritize environmental justice and decarbonize the economy – is a welcome one that further underlines the immediacy and decisive leadership with which the Chair of CEQ must act to restore the goals of NEPA and implement the law as Congress originally intended. We believe Brenda Mallory is the right person for that job.

In NEPA, Congress explicitly called on the federal government to act “as trustee of the environment for succeeding generations” and assure for all people a “safe” and “healthful” environment.<sup>1</sup> It is our hope and strong belief that Brenda Mallory CEQ will prioritize restoring the implementation of the previous NEPA regulations and provide the resources necessary to re-establish CEQ's central role in directing the nation's environmental policy. We strongly urge your support for the rapid confirmation of Brenda Mallory as a highly qualified nominee.

Sincerely,

**350 West Sound Climate Action**  
**500 Sails**  
**American Rivers**  
**Animas Valley institute**  
**Athens County's Future Action Network**  
**Azul**  
**Bold Alliance**  
**Boston College Law School**  
**Brown Girl Surf**  
**California Wilderness Coalition**  
**Californians for Western Wilderness**

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<sup>1</sup> 42 U.S. Code § 4331

Center for American Progress  
 Center for Biological Diversity  
 Center for Land, Environment, and Natural Resources, UC Irvine School of Law  
 Charles River Watershed Association  
 Clean Water Action  
 Coalition to Protect America's National Parks  
 Conservation Lands Foundation  
 Defenders of Wildlife  
 Don't Waste Arizona  
 Earthjustice  
 Earthworks  
 Endangered Species Coalition  
 Friends of Big Morongo Canyon Preserve  
 Friends of the Earth  
 Gila Resources Information Project  
 Great Old Broads for Wilderness  
 Harambee House Inc./ Citizens For Environmental Justice  
 Health Professionals for a Healthy Climate  
 High Country Conservation Advocates  
 Information Network for Responsible Mining  
 Inland Ocean Coalition  
 Inland Ocean Coalition North Texas Chapter  
 Laukahi: Hawai'i Plant Conservation Network  
 League of Conservation Voters  
 Long Beach Gray Panthers  
 Los Padres ForestWatch  
 Marine Conservation Institute  
 Metropolitan Group  
 Mojave Desert Land Trust  
 National Ocean Protection Coalition  
 National Parks Conservation Association  
 Natural Resources Defense Council  
 Nature Coast Conservation, Inc.  
 North Carolina Association of Black lawyers Land Loss Prevention Project  
 Northeast Oregon Ecosystems  
 Northeastern Minnesotans for Wilderness  
 NY4WHALES  
 Ocean Conservation Research  
 Oceana  
 Oil Change International  
 Ocean Conservation Research  
 Operation HomeCare, Inc  
 Our Springs Alliance  
 PaganWatch  
 Partnership for Policy Integrity  
 Pelican Media



**Peoria Audubon Society**  
**Predator Defense**  
**Public Employees for Environmental Responsibility**  
**Rocky Mountain Wild**  
**Salem Audubon Society**  
**San Luis Valley Ecosystem Council**  
**Sierra Club**  
**Southeast Alaska Indigenous Transboundary Commission**  
**Southern Oregon Climate Action Now**  
**Southern Utah Wilderness Alliance**  
**Spottswode Winery, Inc.**  
**The Lands Council**  
**The Ocean Project**  
**The Ohio Environmental Council**  
**The Trust for Public Land**  
**Tule River Conservancy**  
**Turtle Island Restoration Network**  
**Uranium Watch**  
**Washington Environmental Council/Washington Conservation Voters**  
**Weber Sustainability Consulting**  
**Western Environmental Law Center**  
**Western Watersheds Project**  
**Wyoming Wildlife Advocates**

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

NEIL L. BRADLEY  
EXECUTIVE VICE PRESIDENT &  
CHIEF POLICY OFFICER

1615 H STREET, NW  
WASHINGTON, DC 20062  
(202) 463-5310

March 2, 2021

TO THE MEMBERS OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS:

The U.S. Chamber of Commerce supports the nomination of Brenda Mallory to serve as chair of the White House Council on Environmental Quality (CEQ). The Chamber looks forward to working with Ms. Mallory to advance the council's mission of improving and protecting America's public health and environmental quality.

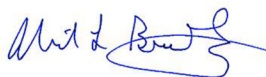
Ms. Mallory's past experience as general counsel at CEQ and as a lawyer at the U.S. Environmental Protection Agency make her well suited to lead CEQ. Her experience working on a broad range of issues and priorities under CEQ's purview make her well-qualified to lead the agency.

The Chamber and the business community we represent is particularly interested in working with Ms. Mallory and the Committee to ensure the environmental review and permitting process will improve project delivery. To address the environmental and economic growth opportunities and challenges we face, that process must be both efficient and effective.

Building modern, resilient infrastructure promises to link communities that have borne disproportionate burdens with businesses and job centers and provide better access to clean water and affordable energy. Investments in telecommunications infrastructure will support virtual learning and drive entrepreneurial opportunities to help close the digital divide. These investments will fail to deliver their intended benefits, however, without timely and coordinated environmental reviews.

Thank you for considering Ms. Mallory's nomination. We look forward to working with her as the chair of CEQ and with the members of this Committee to pursue these important objectives.

Sincerely,



Neil L. Bradley



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WASHINGTON, DC 20036

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ENVIRONMENTAL  
LAW • INSTITUTE

January 25, 2021

The Honorable Tom Carper  
Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Re: Confirmation of Brenda Mallory

Dear Senators Carper and Moore Capito and Members of the Environment and Public Works Committee:

We, the undersigned members of the leadership community of the Environmental Law Institute, the leading nonpartisan organization focused on building rule of law and good governance in the environmental context, are by this letter registering our strong and unqualified support for Brenda Mallory's confirmation as the next Chair of the Council on Environmental Quality (CEQ).

Ms. Mallory is uniquely qualified to lead CEQ and is a historic choice for this important post. She is an experienced and dedicated lawyer who has spent her entire career working in the environmental and natural resources area, with a demonstrated commitment to rule of law. With deep expertise and a proven track record, Ms. Mallory is the right person for the job.

From her years of experience in public service at the Environmental Protection Agency and the Council on Environmental Quality — and her distinguished career across the private and non-profit sectors working to advance environmental protection and tackle persistent environmental and health challenges plaguing communities — Ms. Mallory knows what it takes to work with Republicans, Democrats, advocates, the business community, and Tribal, state and local leaders to deliver results. With this background, she will be ready to get to work at CEQ immediately.

A veteran of both Democratic and Republican administrations, Ms. Mallory has shown that she serves with honor and integrity in every role that she is asked to perform. A former senior government ethics official, Ms. Mallory she has been a standard bearer in the environmental field for her commitment to ethics, principle, and accountability. She has also demonstrated a life-long commitment to making our environment cleaner and government work better. Her ethic and sustained commitment have earned her the respect of the Environmental



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WEB: [www.eli.org](http://www.eli.org)

Law Institute, its Board, and all of her colleagues.

Accordingly, we endorse her wholeheartedly and strongly urge her speedy confirmation.

Respectfully submitted,

A handwritten signature in black ink, which appears to read "Scott Fulton". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott Fulton  
President  
Environmental Law Institute

Benjamin Wilson  
Beveridge and Diamond, PC  
Chair of the ELI Board

Robert Kirsch  
Retired, Wilmer Cutler Pickering Hale and Dorr LLP  
Vice Chair of the ELI Board

Marisa Blackshire  
Bloom Energy  
Member of the ELI Board



Jonathan Cannon  
Professor, University of Virginia School of Law  
Member of the ELI Board

Ruth Ann Castro  
Google LLC  
Member of the ELI Board

Nadira Clarke  
Baker Botts LLP  
Member of the ELI Board

James Colopy  
Farella Braun + Martel LLP  
Member of the ELI Board

Paul Davies  
Latham & Watkins LLP  
Member of the ELI Board

Margaret Deane  
First Solar, Inc.  
Member of the ELI Board

Mason Emnett  
Exelon Corporation  
Member of the ELI Board

Sally Fisk  
Pfizer, Inc.  
Member of the ELI Board

Pamela Giblin  
Retired, Baker Botts LLP  
Member of the ELI Board

E. Lynn Grayson  
Nijman Franzetti LLP  
Member of the ELI Board



Stacey Halliday  
Beveridge & Diamond, PC  
Member of the ELI Board

Rachel Jacobson  
Wilmer Cutler Pickering Hale and Dorr LLP  
Member of the ELI Board

Carrie Jenks  
M.J. Bradley & Associates LLC  
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Gwendolyn Keyes-Fleming  
Van Ness Feldman LLP  
Member of the ELI Board

Richard Leahy  
Wal-Mart Stores, Inc.  
Member of the ELI Board

Raymond Ludwiszewski  
Gibson, Dunn & Crutcher LLP  
Member of the ELI Board

Michael Mahoney  
Retired, Pfizer Inc.  
Founder, Business for Tomorrow, LLC  
Member of the ELI Board

Roger Martella  
Former Environmental Protection Agency General Counsel, Bush Administration  
General Electric Company  
Member of the ELI Board

Bradley Marten  
Marten Law LLP  
Member of the ELI Board



Angeles Murgier  
Estudio Beccar Varela  
Member of the ELI Board

Peggy Otum  
Wilmer Cutler Pickering Hale and Dorr LLP  
Member of the ELI Board

Vickie Patton  
Environmental Defense Fund  
Member of the ELI Board

Robert Perciasepe  
Center for Climate and Energy Solutions  
Member of the ELI Board

Kevin Poloncarz  
Covington & Burling LLP  
Member of the ELI Board

Stephen Rahaim  
DuPont de Nemours, Inc.  
Member of the ELI Board

Christopher Reynolds  
Toyota Motor Corporation  
Member of the ELI Board

Nicolas Robinson  
Professor, Elisabeth Haub School of Law at Pace University  
Member of the ELI Board

Margaret Spring  
Monterey Bay Aquarium  
Member of the ELI Board

Kathryn Thomson  
Amazon.com, Inc.  
Member of the ELI Board



Hilary Tompkins  
Hogan Lovells US LLP  
Member of the ELI Board

Alex Wang  
Professor, UCLA School of Law  
Member of the ELI Board

Carlton Waterhouse  
Professor, Howard University School of Law  
Member of the ELI Board

Melodie DeMulling  
Vice President  
Environmental Law Institute

John Pendergrass  
Vice President  
Environmental Law Institute

Loretta Reinersmann  
Vice President  
Environmental Law Institute



March 1, 2021

Chairman Thomas R. Carper  
U.S. Senate Committee on Environment and Public Works  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

Ranking Member Shelley Moore Capito  
U.S. Senate Committee on Environment and Public Works  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito,

We, the undersigned former officials of the Council on Environmental Quality (CEQ) who served both Republican and Democratic presidents, write in strong support of the nomination of Brenda Mallory to be a Member of CEQ and to serve as its Chair upon designation by the President. As you know, the National Environmental Policy Act (NEPA) established CEQ within the Executive Office of the President to review and appraise the various programs and activities of the Federal Government in light of NEPA's Congressional Declaration of National Environmental Policy and to develop and recommend to the President national policies to foster and promote the improvement of environmental quality to meet the conservation, social, economic, health, and other requirements and goals of the Nation. 42 USC § 4344. Today, CEQ advises the President and develops policies on environmental justice, federal sustainability, public lands, oceans, and wildlife conservation, among other areas. As the agency responsible for implementing NEPA, CEQ also works to ensure timely and robust environmental reviews and permitting for infrastructure projects.

Brenda Mallory is, to quote the requirements for membership on the Council, "exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the Federal Government in the light of the policy set forth in title I of [NEPA]; to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests of the Nation; and to formulate and recommend national policies to promote the improvement of the quality of the environment." 42 USC § 4342. Brenda started her distinguished career in private practice, where she focused on permitting and litigation strategies for major energy, transportation, and commercial development projects requiring federal environmental approvals. She left private practice, where she was a partner and chaired her firm's natural resources practice group, for public service at the Environmental

Protection Agency (EPA). At EPA, she built an exemplary reputation of public service under both Republican and Democratic administrations and rose to the ranking career position in the Office of General Counsel. She concluded her career in the Federal government by serving as CEQ General Counsel, where she distinguished herself within the Executive Office of the President as a principled, pragmatic leader with an unparalleled depth of legal expertise.

As former CEQ officials under both Republican and Democratic administrations, we know first hand the coordinating role CEQ has served to promote environmental and economic health and strengthen our national security. We understand the importance of broad and diverse experience in the leadership of the agencies tasked with confronting the environmental challenges of our Nation. Brenda Mallory offers that exceptional quality with a depth of appreciation for the laws and policies that are needed to create and maintain conditions under which people and nature can exist in productive harmony, prevent or eliminate damage to the environment and biosphere, stimulate public health and welfare, and enrich our understanding of the ecological systems and natural resources important to the Nation. 42 USC §§ 4321, 4331. We urge you to recommend her confirmation to the Senate with all deliberate speed.

Sincerely yours,

Dinah Bear, CEQ Deputy General Counsel (1981-1983), General Counsel (1983-1993, 1995-2007)

Edward Boling, CEQ Deputy General Counsel (2000-2007), General Counsel (2008-2009), Senior Counsel (2009-2010), Associate Director for NEPA (2016-2020)

Terrance Breyman, CEQ Associate Director for Natural Resources (2007-2010)

Ray Clark, CEQ Associate Director for NEPA Oversight (1991-1998)

Michael Drummond, CEQ Deputy Associate Director for NEPA (2013-2020)

Horst Greczmiel, CEQ Associate Director for NEPA Oversight (1999-2015)

Caroline Isber, CEQ Director of Legislative and Public Affairs (1977-1981)

William Leary, CEQ Associate Director for Natural Resources (1998-2005)

Timothy Male, CEQ Associate Director for Conservation (2014-2017)

Kenneth Weiner, CEQ Counsel (1976-1978), Deputy Executive Director (1978-1980)

Nicholas Yost, CEQ General Counsel (1977-1981)



**NPCA position on the nomination of Brenda Mallory as Chair of the Council on  
Environmental Quality**

March 1, 2021

Dear Senator,

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our nearly 1.4 million members and supporters nationwide, we urge you to support the nomination of Brenda Mallory as Chair of the Council on Environmental Quality (CEQ).

Our national parks are symbols of conservation, historic preservation and our shared heritage. In the last four years, as we witnessed weakened protection for cultural resources, wildlife, waterways and the list goes on, the highest level of protection was not afforded to these incredible places. We can and must do better. The Biden-Harris Administration must address climate change head-on, ensure the federal government – and the park system – is welcoming to diverse communities, and reverse damaging policies that put at risk the water, air, wildlife and other resources that make our parks world-renowned.

Brenda Mallory comes to this nomination with nearly four decades of environmental policy expertise. Her previous federal experience, both at the Environmental Protection Agency and later as General Counsel at CEQ, have uniquely prepared her to advance and implement regulatory reforms and policies that will protect America's parks and communities around the country for generations to come. Throughout her career, Mallory has placed consistent emphasis on the relationship between conservation efforts and public health. This experience will position CEQ to immediately begin the necessary work of advancing President Biden's environmental justice priorities. These advancements do not happen without extensive public engagement. Mallory has demonstrated consistent capacity to listen to, and work with, Americans of varying backgrounds and political persuasions to advance environmental protections.

Headquarters  
777 6<sup>th</sup> Street, NW, Suite 700  
Washington, DC 20001  
P 202.NAT.PARK | 800.628.7275

[NPCA.org](https://www.npca.org)



Of special responsibility to CEQ is the coordination of environmental reviews for major infrastructure projects, which often impact the health and wellbeing of surrounding communities. These environmental reviews, undertaken through the mandate established by the National Environmental Policy Act (NEPA), are bedrock conservation tools that guarantee certain protections to our public lands and national parks. The National Park Service utilizes NEPA to protect coral reefs and fish habitat, to reintroduce species that were once native, to build infrastructure with minimal damage to natural and cultural resources, and reduce pollution and overcrowding as parks manage visitation. As the Biden Administration works to build back a prosperous and just economy, Brenda Mallory's demonstrated leadership and technical expertise will allow CEQ to guide this critical work while ensuring vulnerable landscapes and communities get the necessary protections to thrive long into the future.

We look forward to working with Brenda Mallory to ensure the best future for our national parks and urge the Senate to swiftly confirm this qualified nominee.

Thank you for considering our views.

Sincerely,

A handwritten signature in blue ink, reading "Theresa Pierno". The signature is fluid and cursive, with the first name "Theresa" and last name "Pierno" clearly distinguishable.

Theresa Pierno

President & CEO

National Parks Conservation Association

Headquarters  
777 6<sup>th</sup> Street, NW, Suite 700  
Washington, DC 20001  
P 202.NAT.PARK | 800.628.7275

[NPCA.org](https://www.npca.org)

February 4, 2021

The Honorable Thomas R. Carper  
Chairman  
Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment  
and Public Works  
United States Senate  
Washington, DC 20510

Dear Chairman Carper & Ranking Member Capito;

We write today to enthusiastically support the nomination of Brenda Mallory to be Chair of the Council on Environmental Quality. While Brenda undoubtedly has the support of colleagues that served with her in the Obama Administration, we write as former leaders on environmental and natural resources issues who served in the administrations of Presidents George W. Bush and George H.W. Bush. Many of us served alongside Brenda during her nearly 20 years of public service, and we all are familiar with her character and the approach that she will bring to addressing environmental and natural resource issues if she is confirmed by the United States Senate.

The Council performs vital functions in environmental policy and in the Executive Branch. It serves as a resource for the Congress, state and local governments, and stakeholders to foster collaboration and to mediate complex environmental and natural resource policies, programs, and disagreements. Further, it plays a key role in running an effective interagency process across the Executive Branch on these issues.

Each of us knows from firsthand experience the importance of the Council's work. Transparency, collaboration, and pragmatism are cornerstones for it to be effective. We know Brenda to be an exemplary candidate who possesses the deep domain expertise, open mind and leadership skills needed to be a strong and effective Chair of the Council. Throughout her career, Brenda has worked across party lines and with stakeholders of different opinions and backgrounds to drive consensus-based and often innovative solutions to complex environmental and natural resource challenges.

Brenda has dutifully served both Democratic and Republican Administrations. She has a wealth of experience working on environmental and natural resource issues for the greater good of the country. Her intimate knowledge of the Council and its mission will serve her and the American public well.

February 4, 2021  
Page 2

Based on our familiarity with Brenda and her record, we are confident that she will perform her duties faithfully with integrity and honor, and will be open and transparent in her role, welcoming all views. We commend her nomination as Council Chair, and we respectfully urge you to support her confirmation as expeditiously as possible.

Sincerely,

William K. Reilly	Administrator, US EPA, 1989-1993
Christine Todd Whitman	Administrator, US EPA, 2001-2003
Michael O. Leavitt	Administrator, US EPA, 2003-2005
Stephen K. Johnson	Administrator, US EPA, 2005-2009
James L. Connaughton	Chairman, CEQ, 2001-2009
Linda J. Fisher	Deputy Administrator, US EPA, 2001-2003
Marcus C. Peacock	Deputy Administrator, US EPA, 2005-2009
Ann R. Klee	General Counsel, US EPA, 2003-2006
Roger R. Martella	General Counsel, US EPA, 2006-2009
Eileen McGinnis	Chief of Staff, US EPA, 2001-2003
Thomas J. Gibson, Jr.	Chief of Staff, US EPA, 2003-2004
Rich McKeown	Chief of Staff, US EPA, 2004-2005
Charles L. Ingebretson	Chief of Staff, US EPA, 2005-2009

CC: Members of the Senate Committee on Environment  
and Public Works

March 2, 2021

The Honorable Charles Schumer  
Majority Leader  
S-221, U.S. Capitol  
U.S. Senate  
Washington, D.C. 20510

Chairman Tom Carper  
Committee on Environment and Public Works  
456 Dirksen Senate Office Building  
U.S. Senate  
Washington, D.C. 20510

The Honorable Mitch McConnell  
Minority Leader  
S-230, U.S. Capitol  
U.S. Senate  
Washington, D.C. 20510

Ranking Member Shelley Moore Capito  
Committee on Environment and Public Works  
456 Dirksen Senate Office Building  
U.S. Senate  
Washington, D.C. 20510

Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Carper and Ranking Member Capito:

On behalf of our collective millions of members and supporters, we write in full support of the nomination of Janet McCabe to be Deputy Administrator of the Environmental Protection Agency (EPA). With years of experience at the agency and at the state level in Indiana's Department of Environmental Management, McCabe will bring a wealth of institutional knowledge on both ends of EPA's cooperative federalism model and first-hand experience working closely with state and local officials.

During her time in the Indiana Department of Environmental Management (IDEM), McCabe worked in several positions including director of its air work, where she both developed and implemented ozone standards and permitting programs and deftly shaped and implemented effective plans while maintaining open communication with the regulated community. Later, as acting chief of EPA's Office of Air and Radiation she helped implement the federal standards themselves, ensuring Americans enjoyed safer health protections from air pollution from large industrial sources and motor vehicles. This breadth of experience will serve the public well as the agency implements standards that will create economic opportunity and create jobs while fulfilling its mission to protect our health and environment.

McCabe's nomination to be Deputy EPA Administrator signals a deep commitment by the Biden-Harris administration to lead the advancement of common-sense environmental policies with a focus on prioritizing environmental justice. This will help to ensure a healthier future and spur equitable economic growth to help the needed economic recovery. The COVID-19 pandemic demonstrated how pollution levels exacerbate respiratory health issues and worsen illnesses in disproportionately impacted communities. Our communities need strong leadership to tackle the climate crisis while implementing an equitable and just, 100 percent clean economy. McCabe's prior public service in the EPA Office of Air and Radiation (OAR) gives her extensive experience with the unfair health burdens put on communities of color from pollution and toxic chemicals and how to implement fair and just solutions.

As Deputy EPA Administrator, Janet McCabe will help advance critical health protections through her commitment to science-based policy. We urge the Senate to swiftly confirm this highly qualified nominee and move forward on our nation's climate progress.

Sincerely,

Clean Water Action  
 Defend Our Future  
 Earthjustice  
 Elders Climate Action  
 Elected Officials to Protect America  
 Environment America  
 Environmental Defense Fund  
 Environmental Law & Policy Center  
 Environmental Working Group  
 Green The Church  
 Interfaith Power & Light  
 League of Conservation Voters

MIT Alumni for Climate Action  
 Moms Clean Air Force  
 Mormon Environmental Stewardship Alliance  
 National Parks Conservation Association  
 National Wildlife Federation  
 Natural Resources Defense Council  
 Poder Latinx  
 Rachel Carson Council  
 Sierra Club  
 The CLEO Institute  
 The Climate Reality Project  
 Union of Concerned Scientists





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ENVIRONMENTAL  
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March 3, 2021

The Honorable Tom Carper  
Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, DC 20510

Re: Confirmation of Janet McCabe as Deputy Administrator of the Environmental Protection Agency

Dear Senators Carper and Moore Capito and Members of the Environment and Public Works Committee:

I would like to add my voice to those recommending confirmation of Janet McCabe as the next Deputy Administrator of the Environmental Protection Agency. This vitally important role should be promptly filled, particularly when the Administration has brought forward a nominee as distinguished and well-suited for the post as Ms. McCabe.

My first significant opportunity to work with Ms. McCabe was when I was serving as EPA's General Counsel and Acting Deputy Administrator and she was serving as Principal Deputy Administrator of EPA's Office of Air and Radiation. More recently, as President of the Environmental Law Institute, the nation's premier non-partisan think tank and research institute focused on environmental law, rule of law, and governance, I have looked to her as one of the most trusted experts on environmental law and policy in our field. Through these various intersections, I have always found Ms. McCabe to be fair-minded, clear-thinking, level-headed and balanced in her approach, and extremely effective as a leader.

Indeed, it is difficult to think of someone better suited to be Deputy Administrator than Ms. McCabe. She is an experienced and dedicated lawyer who has spent her entire career working in the environmental and natural resources area, with a demonstrated commitment to rule of law. From her years at the top reaches of EPA and state environmental protection agencies (e.g., Indiana and Massachusetts), she has a deep understanding of EPA and the EPA-State relationship, which will equip her well to serve as EPA's chief operating officer. She also has extensive experience working with Republicans, Democrats, advocates, the business community, and Tribal, state and local leaders to deliver results.

Having served myself in the EPA Deputy's chair, I have a sense of the gravity and demands of this job. Ms. McCabe is perfectly suited for the role by temperament, background, and expertise. Also, having worked as I have in both Republican and Democratic administrations, I have no question that she would approach this vitally important role with the open-mindedness and seriousness of purpose that it warrants.

There are few positions in government more in need of a well-intentioned and capable leader than this post. With her deep expertise and her proven track record, Ms. McCabe is the right person for the job. Accordingly, by this letter I am registering my strong and unqualified support for her prompt confirmation for this important role.

Respectfully,

A handwritten signature in black ink, appearing to read "C. Scott Fulton". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

C. Scott Fulton  
President  
Environmental Law Institute  
[fulton@eli.org](mailto:fulton@eli.org)



24 E. Franklin Street  
New Freedom, PA  
17349  
717-850-3783  
[support@creationcare.org](mailto:support@creationcare.org)

February 22, 2021

The Honorable Tom Carper, Chairman  
The Honorable Shelley Capito, Ranking Member  
The Environment and Public Works Committee  
The United States Senate  
Washington, DC 20510

Dear Chairman and Ranking Member,

To many, it may seem highly unusual for an evangelical Christian to support Ms. Janet McCabe as Deputy EPA Administrator. While there are cultural and social items on which we differ, Ms. McCabe and I agree on the need to defend children and all humanity from pollution's deadly threats. Christians are taught that all life is sacred and are called to protect it. Evangelicals take especially seriously the Biblical belief that life begins at conception. As Scripture states:

*<sup>13</sup>For you formed my inward parts;  
you knitted me together in my mother's womb - Psalm 139:13 (ESV)*

As a member of the EPA Clean Air Act Advisory Board, I have watched over the last several years as EPA has rejected both its core mission to "defend human health and the environment," as well as the basic findings of medical and scientific research. As a leader of a community that cherishes human life, I urge you to restore EPA's integrity and its ability to defend society's most helpless by expeditiously confirming Ms. McCabe.

As a former EPA leader, Executive Director of a non-profit defending children, Assistant Commissioner of the Indiana Department of Environmental Management's Office of Air Quality, and an Assistant Attorney General, Ms. McCabe's experience clearly proves both her ability to lead and her fitness to restore the integrity of EPA. Her knowledge, skill, and ability to lead is undeniable, but it is her integrity that demands her confirmation.

*Righteousness guards the person of integrity,  
but wickedness overthrows the sinner. Proverbs 13:6 (NIV)*

**CREATION CARE. IT'S A MATTER OF LIFE**

Since I first invited Ms. McCabe to address the National Association of Evangelicals' Washington Leadership Conference in 2011 on mercury's unique threat to children, I have been consistently impressed her willingness to listen, her openness to diverse opinions, and her commitment to evidence-based decision making. In a fiercely divided political world, Janet McCabe consistently encourages a diversity of engagement to ensure the best policy outcomes that are supported by the law and the facts.

Janet McCabe earned the trust of this fiercely pro-life evangelical because we found common ground and fair solutions. That's refreshing in today's climate, and it's the kind of leadership our country desperately needs. I urge The Environment and Public Works Committee to favorably forward her nomination to the entire Senate for a prompt confirmation. It's time to again defend children from pollution, create reasonable policies, and to act with moral courage and conviction.

Sincerely,  
  
The Rev. Mitchell C. Hescox  
President/C.E.O.

cc EPW Committee Members  
Senate Leadership

March 1, 2021

The Honorable Thomas R. Carper  
Chairman, Senate Environment and  
Public Works Committee  
456 Dirksen Senate Office Building  
Washington, D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member, Senate Environment and  
Public Works Committee  
410 Dirksen Senate Office Building  
Washington, D.C. 20510

Dear Senator Carper and Senator Capito:

It is my great honor to recommend Janet McCabe to you for appointment as the Deputy Administrator of the United States Environmental Protection Agency (EPA or Agency). Ms. McCabe possesses the demeanor, professionalism, knowledge, and passion for the Agency's mission that will make her successful in the role to which she has been nominated by President Joseph Biden.

I have known Ms. McCabe since 2014, when I became Executive Director of the Environmental Council of the States (ECOS), the non-profit, non-partisan organization of appointed state environmental agency leaders. From 2014 through the change in Administration in January 2017, ECOS leadership engaged in extensive discussions with Ms. McCabe and her leadership team around clean air and climate regulatory and policy issues. As the most senior EPA air office official, Ms. McCabe demonstrated respect for state perspectives and a sincere willingness to consider state input. When disagreement was strong, Ms. McCabe exhibited her calm and thoughtful approach to difficult conversations, maintaining a constructive dialogue. Ms. McCabe's own background in state environmental agency leadership in both Indiana and Massachusetts facilitated her understanding of the expertise and competencies of the states, and her interest in identifying meaningful joint environmental initiatives.

Ms. McCabe will bring to the role of Deputy Administrator her recent experiences in academia and in the non-governmental organization community. These roles will add to her prior deep familiarity with the Agency and the statutes and initiatives EPA must implement and oversee. Ms. McCabe will respect and empower the staff, follow the science, incorporate the views and perspectives of the states, and will be fully dedicated to advancing the Agency's critical mission to protect public health and the environment.

As someone who recently concluded my own service at the Agency as an Assistant Administrator, and who in that role worked closely with the Agency's Deputy Administrator and later acting Deputy Administrator, I can confirm that Ms. McCabe is an excellent nominee and recommend her to you without hesitation. If you have any questions or concerns, you may reach me at [alexandraddunn@gmail.com](mailto:alexandraddunn@gmail.com) or by phone at 202/230-4247.

Sincerely,



Alexandra Dapolito Dunn, Esq.  
46815 Willowood Place, Potomac Falls, Virginia 20165

March 1, 2021

The Honorable Thomas R. Carper  
Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

As former Deputy Administrators of the U.S. Environmental Protection Agency, we write in support of the nomination of Janet McCabe of Indiana to be the Deputy Administrator of the agency.

The Deputy Administrator role is a vital one for EPA. By law, the Deputy Administrator serves as the chief operating officer of EPA and is an important partner with the Administrator in providing leadership for the agency.

Janet McCabe is an outstanding candidate for this position and comes fully prepared to step into this important role and help sustain a strong EPA. Most recently, she has been professor of practice at the Indiana University Robert H. McKinney School of Law and the director of the Environmental Resilience Institute at Indiana University. She played a vital role between 2009 and 2017 at EPA, serving first as Principal Deputy Assistant Administrator and later as Acting Assistant Administrator for Air and Radiation. She brought a strong state perspective to these positions, having been director of the air program at the Indiana Department of Environmental Management from 1999 to 2005, and fully understands the importance of both the public and private sectors in protecting health and the environment. She came to Indiana following work on environmental issues in Massachusetts after her graduation from Harvard University and the Harvard Law School. She has known Administrator-designate Michael Regan for many years and will be ready on her first day to take up the mantle of her responsibilities.

Yet her expertise, wisdom and resume do not fully describe what makes Janet McCabe such an outstanding candidate. While some of us have had the privilege of working more closely with her than others, to know Janet is to know her integrity, her strong work ethic, her empathy, and her interest in diverse points of view. EPA career staff who worked with Janet praise her commitment to sound policy, her desire to listen to and work with EPA's dedicated career staff, and her recognition of EPA's importance in protecting the health and the environment of all Americans. The country is fortunate that she is willing to take on this responsibility.

For all of these reasons and more, we, the undersigned, offer our support for the nomination of Janet McCabe to be the Deputy Administrator and urge both the Committee and the full Senate to approve her nomination as rapidly as possible.

Respectfully,



Stan Meiburg, Acting Deputy Administrator, 2014 - 2017



---

Bob Perciasepe  
Deputy Administrator, 2009 - 2014

/s/ *Barbara Blum*

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Barbara Blum  
Deputy Administrator, 1977-1981



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Marcus Peacock  
Deputy Administrator, 2005 - 2009



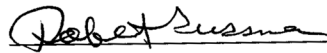
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Linda Fisher  
Deputy Administrator, 2001 - 2003



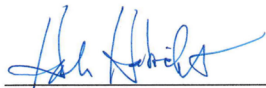
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W. Michael McCabe  
Deputy Administrator, 1998 - 2001



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Robert Sussman  
Deputy Administrator, 1993 - 1994



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F. Henry Habicht  
Deputy Administrator, 1989 - 1993



---

A. James Barnes  
Deputy Administrator, 1985-1988

March 2, 2021

The Honorable Thomas R. Carper  
Chairman  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member  
Committee on Environment and Public Works  
United States Senate  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

We are writing as former employees of the Environmental Protection Agency (EPA) to convey our support for the nomination of Janet McCabe as EPA's next Deputy Administrator.

We are a group of former EPA employees who served EPA in many different capacities, in various parts of the organization and under both Republican and Democratic administrations. While we worked in different roles, we shared a common commitment to EPA's important mission of protecting human health and the environment. Today, we come together to urge that Janet McCabe be confirmed as EPA's next Deputy Administrator.

The Deputy Administrator plays a key role in leading the agency and overseeing its operations. Janet McCabe's extensive knowledge and experience in environmental law and policy at the national, state and local levels, combined with her prior experience at EPA, make her highly qualified to be Deputy Administrator. However, it is her outstanding leadership skills, her inclusive management style and utmost integrity that makes her such an exceptional candidate. Janet values and invites different viewpoints and works collaboratively to find effective and workable solutions. She also appreciates the importance of strong partnerships both within and outside the agency, and shows a genuine interest in staff, providing them opportunities to be visible and recognizing their work.

Above all, Janet deeply respects public service and understands how much good EPA can do for the American people. As Deputy Administrator, we have no doubt that Janet will work tirelessly to protect human health and the environment for all Americans.

For all the reasons described above, we, the undersigned, support Janet McCabe to be EPA's next Deputy Administrator, and we urge the Committee and the full Senate to swiftly approve her nomination.

Respectively,

Michael P. Flynn  
Ruth Greenspan Bell  
Bharat Mathur  
George Wyeth  
William Muno

Beverly Banister  
Scott Fulton  
Michael Shapiro  
Brendan Doyle  
Jim Woolford

Stan Meiburg  
Alexis Strauss Hacker  
Roger Martella  
Cynthia Peurifoy  
Bernard Goldstein



Jeff Alston	Sara Schneeberg	Catherine McCabe
Kevin S. Minoli	Howard Zar	Christine Liszewski
Richard Karl	Judy Stober	Richard Kuntz
Steven Chester	Jane Metcalfe	Roy Gamse
Timothy Method	Matt Haber	Daniel L. Costa
Penelope A. Fenner-Crisp	Dick Peterson	Susan Shinkman
Elizabeth Southerland	James Jones	Gary Timm
Thomas C. Voltaggio	Elizabeth Craig	Woodruff Barnes Johnson
Tim Smith	Robert Wolcott	Jonathan McPhee
Cheryl Wasserman	Edith Mijares Ardiente	Mark Hague
Joel Mintz	James Giattina	Jerri Garl
June Taylor	Simon Manoyan	John Hannon
John Bachmann	Rob Brenner	Michelle Roos
Jeff Cohen	Arthur Smith	Cameron Davis
Bill Laxton	Brian Cook	Dale Bryson
Nanci Gelb	Maryann Froehlich	A.W. Jones
Anna Philips	Ronnie Levin	Robert Sussman
Jackie Krieger	Nancy Stoner	Elizabeth Cotsworth
Martin Wagner	Carlton T. Nash	Barbara Elkus
Kevin McLean	Louise Wise	Philip Metzger
Bonnie Bellow	Mustafa Santiago Ali	Tom Kelly
Rita Schoeny	Joseph W. Paisie	Ellen Kurlansky
H. Curtis Spalding	Bruce J. Levy	Kenneth Lapierre
David Fege	Anna Duncan	Steve Silverman
Francis Lyons	George Czerniak	Steven Chester
Bruce Engelbert	Diane M. Sharrow	Todd Cayer
Alexandra Teitz	David A. Ullrich	Marian P. Cooper
Elliott Gilberg	Amy Zimpfer	Donna Twickler
Frederick Allen	Amy Schaffer	Robert Kavlock
Alan Farmer	Bonnie Bush	Diane Regas
Joseph E. Tieger	Partric McCoy	Jim O'Leary
Marilyn Sabadaszka	Jeff Tumarkin	David Colbert
Nancy Ketcham-Colwill	Jim Ketcham-Colwill	Catherine McCord
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Frans J. Kok	Joseph Cascio	Kathleen Veit
Beth Hall	Sharon Payne	Michaelle Wilson
John Calcagni	Ellie McCann	Craig Bernstein
Timothy Fields	Sherry Glick	James Owens
Marcia Bailey	Belle Davis	Alan Cohen
Lydia Wegman	Stephen Tuber	Darvene Adams
Justice Manning	Kevin Teichman	Kathleen Kohl
Martha H. Keating	Janet Williams	Matthew Fritz
Apple Chapman	Mary Blakeslee	Jeff Peterson
Phyllis Harris	Dale Pahl	I Mei Chan
Tai Chang	Helga B. Butler	Richard Wilson
Oscar Morales	Richard Troast, Ph.D	Bob Varney
Dennis McLerran	Kevin Donovan	John Showman
John E. Reeder	Douglas Fox	Peter Swenson
Ronald Fraass	Steve Young	Tom Eagles
Jed Harrison	Don Zinger	Walter Kovalick
Sylvia Malm	Dona M. Harris	Mary Dominiak
Margaret Conomos		

March 2, 2021

The Honorable Tom Carper, Chairman  
The Honorable Shelley Capito, Ranking Member  
The Environment and Public Works Committee  
The United States Senate  
Washington, DC 20510

Dear Chairman and Ranking Member,

We, the undersigned Christian leaders from Indiana, write to you in support of Ms. Janet McCabe's nomination as Deputy EPA Administrator. While there are cultural and social issues on which we differ, we all agree with Ms. McCabe on the need to God's creation and our neighbors from threats of pollution and climate change. Our Scriptures teach us that all life is sacred and that we, as followers of Christ, are called to protect it. Ms. McCabe has a proven track record of enacting people-focused, evidence-based policy in defense of life.

Over the last several years, we have watched with dismay as EPA has turned its back on its core mission to "defend human health and the environment" and has rejected the basic findings of medical and scientific research. Ms. McCabe has the ability to restore EPA's integrity and its ability to defend society's most helpless. We urge you to do all in your power to ensure her expeditious confirmation.

Ms. McCabe's resume speaks for itself: a former EPA leader, Executive Director of a non-profit defending children, Assistant Commissioner of the Indiana Department of Environmental Management's Office of Air Quality, and an Assistant Attorney General. We are proud of our fellow Hoosier, and believe that her experience clearly proves both her ability to lead with integrity and honor.

In Indiana, Ms. McCabe has a reputation for being an active listener, open to diverse opinions, and committed to evidence-based decision making. That kind of character is refreshing in today's fiercely divided political world, and it is exactly the kind of leadership our country desperately needs. We urge The Environment and Public Works Committee to favorably forward Ms. McCabe's nomination to the entire Senate for a prompt confirmation. It's time to again defend children from pollution, create reasonable policies, and to act with moral courage and conviction.

Sincerely,

Dr. Jo Anne Lyon  
General Superintendent Emerita  
The Wesleyan Church

Pastor Mike Bowling  
Englewood Christian Church  
Indianapolis, IN

Pastor Bob Whitaker  
Evangelical Christian Church  
Bloomington, IN

Pastor Nate Pyle  
Christ's Community Church  
Fishers, IN

Pastor Brad Pontius  
Sherwood Oaks Christian Church  
Bloomington, IN

cc EPW Committee Members  
Senate Leadership

Pastor Curtis Whitaker  
Progressive Community Church International  
Gary, IN

Pastor Matthew Beck  
College Wesleyan Church  
Marion, IN

Rev. Dr. Jeremy Summers  
The Wesleyan Church  
Indiana Wesleyan University  
Marion, IN

INDIANA UNIVERSITY



THE PRESIDENT

February 26, 2021

The Honorable Mike Braun  
 United States Senate  
 374 Russell Senate Office Building  
 Washington D.C. 20510

Dear Senator Braun:

I write in support of President Biden's nomination of Janet McCabe as Deputy Administrator of the U.S. Environmental Protection Agency.

Janet serves Indiana University as a professor of practice at the Robert H. McKinney School of Law at IUPUI, where she teaches environmental law; and as Director of the Environmental Resilience Institute (ERI), which was established under the IU Grand Challenge "Prepared for Environmental Change".

As Director of the ERI, she has brought together researchers from diverse disciplines to spark creative and important inquiries that will contribute to our understanding of how environmental change is affecting Indiana and how we can help Hoosiers become more resilient. I am particularly proud of the work the Institute has done under Janet's leadership to assist Indiana cities, towns, and counties to understand and plan for the more extreme weather Indiana is experiencing, including increased flooding and all the disruption to businesses and agriculture that entails.

As one of the nation's foremost experts on environmental law and policy, McKinney students, faculty, and administrators have all benefitted greatly from her knowledge and experience in working with national leaders on a critical array of issues, including air quality and children's environmental health.

Janet's commitment to public service is evident through her twelve years at the Indiana Department of Environmental Management, her time at the EPA and, most recently, here at Indiana University. Janet is an excellent choice to serve as EPA Deputy Administrator and I encourage you to support her nomination.

Yours sincerely,

Michael A. McRobbie  
 President

MAM/sbt

cc: Senate Environment and Public Works Committee

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 Fax: 317-274-5098

iupres@iu.edu  
 president.iu.edu

INDIANA UNIVERSITY



THE PRESIDENT

February 26, 2021

The Honorable Todd Young  
 United States Senate  
 185 Dirksen Senate Office Building  
 Washington, DC 20510

Dear Senator Young:

I write in support of President Biden's nomination of Janet McCabe as Deputy Administrator of the U.S. Environmental Protection Agency.

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Yours sincerely,

A handwritten signature in blue ink that reads "Michael McRobbie".

Michael A. McRobbie  
 President

MAM/sbt

cc: Senate Environment and Public Works Committee

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**Metropolitan Water Reclamation District of Greater Chicago**

100 EAST ERIE STREET CHICAGO, ILLINOIS 60611-3154 312.751.5600

**Cameron Davis**

Commissioner

312.751.5470 f: 312.751.5474  
cameron.davis@mwr.org

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March 2, 2021

Hon. Tom Carper, Chair  
Senate EPW Committee  
513 Hart Senate Office Building  
Washington, DC 20510

Hon. Shelley Moore Capito, Ranking Member  
Senate EPW Committee  
172 Russell Senate Office Building  
Washington, DC 20510

Dear Chair Carper & Ranking Member Capito:

I am writing to support Janet McCabe's nomination for Deputy Administrator of the U.S. Environmental Protection Agency.

I had the pleasure of working with Ms. McCabe while we both served at EPA and afterwards. As an elected official, I rely on fact-based information to inform my decisions, helping to manage a \$1-plus billion dollar budget per year. Ms. McCabe is a perfect example of a professional that I would hire to be on my staff if I could.

Ms. McCabe is as pragmatic as she is *not* dogmatic. She is relentlessly dedicated to finding solutions to complex problems and most important, an excellent manager. As you know from your work on the Environment and Public Works Committee, solving complex problems—respecting the need for equity, jobs, and protecting the environment—is never easy, but is something that Ms. McCabe thrives on.

I urge you to support her nomination.

Sincerely,

Cameron Davis  
Commissioner

## Partner Statements & Letters Supporting the Committee Vote of Janet McCabe

### Earthcare Committee

Sent to the staff of **Sen. Hickenlooper (CO)**

Dear Kirtan, Katie, and Camilla,

I am a religious sister based in Denver and I would like you to know that people of faith are hoping and praying that Senator Hickenlooper takes more leadership on the climate disruption causing havoc in our state and world. In particular, we see tomorrow's hearing on the nomination of EPA deputy Janet McCabe as a key indicator. Dr. McCabe was one of the chief architects behind the Clean Power Plan from several years ago, and people of faith and our institutions saw this as finally taking a step to limit carbon pollution from power plants and start to end the self-inflicted wound of climate change. We know all too well in Colorado the devastation of worsening drought, wildfires, and pollution that our current path is inflicting upon us. Faith leaders including Catholics like the US Bishops (link:<https://bit.ly/2NF3GKd>) and leading US Sisters (<https://bit.ly/3rg739q>) all spoke in favor of these carbon pollution limits and defended them from attacks.

I pray that Sen. Hickenlooper will be a part of saving lives and protecting God's creation by recognizing we need swift action on climate change. We'll be watching tomorrow's hearing on Dr. McCabe as a key indicator.

Thank you.

Margaret Elizabeth Fuhr, Earthcare Committee, Sister of Saint Francis of Penance and Christian Charity

### Evangelical Environmental Network

Contact: Mitch Hescox

**February 22, 2021—The Honorable Tom Carper, Chairman; The Honorable Shelley Capito, Ranking Member; The Environment and Public Works Committee; The United States Senate**

Dear Chairman and Ranking Member,

To many, it may seem highly unusual for an evangelical Christian to support Ms. Janet McCabe as Deputy EPA Administrator. While there are cultural and social items on



which we differ, Ms. McCabe and I agree on the need to defend children and all humanity from pollution's deadly threats. Christians are taught that all life is sacred and are called to protect it. Evangelicals take especially seriously the Biblical belief that life begins at conception. As Scripture states:

*"For you formed my inward parts; you knitted me together in my mother's womb - Psalm 139:13 (ESV)"*

As a member of the EPA Clean Air Act Advisory Board, I have watched over the last several years as EPA has rejected both its core mission to "defend human health and the environment," as well as the basic findings of medical and scientific research. As a leader of a community that cherishes human life, I urge you to restore EPA's integrity and its ability to defend society's most helpless by expeditiously confirming Ms. McCabe.

As a former EPA leader, Executive Director of a non-profit defending children, Assistant Commissioner of the Indiana Department of Environmental Management's Office of Air Quality, and an Assistant Attorney General, Ms. McCabe's experience clearly proves both her ability to lead and her fitness to restore the integrity of EPA. Her knowledge, skill, and ability to lead is undeniable, but it is her integrity that demands her confirmation.

*"Righteousness guards the person of integrity, but wickedness overthrows the sinner. Proverbs 13:6 (NIV)"*

Since I first invited Ms. McCabe to address the National Association of Evangelicals' Washington Leadership Conference in 2011 on mercury's unique threat to children, I have been consistently impressed her willingness to listen, her openness to diverse opinions, and her commitment to evidence-based decision making. In a fiercely divided political world, Janet McCabe consistently encourages a diversity of engagement to ensure the best policy outcomes that are supported by the law and the facts.

Janet McCabe earned the trust of this fiercely pro-life evangelical because we found common ground and fair solutions. That's refreshing in today's climate, and it's the kind of leadership our country desperately needs. I urge The Environment and Public Works Committee to favorably forward her nomination to the entire Senate for a prompt confirmation. It's time to again defend children from pollution, create reasonable policies, and to act with moral courage and conviction.

Sincerely,

The Rev. Mitchell C. Hescox  
President/C.E.O.

cc EPW Committee Members

Senate Leadership

**March 2, 2021—The Honorable Tom Carper, Chairman; The Honorable Shelley Capito, Ranking Member The Environment and Public Works Committee The United States Senate**

Dear Chairman and Ranking Member,

We, the undersigned Christian leaders from Indiana, write to you in support of Ms. Janet McCabe's nomination as Deputy EPA Administrator. While there are cultural and social issues on which we differ, we all agree with Ms. McCabe on the need to God's creation and our neighbors from threats of pollution and climate change. Our Scriptures teach us that all life is sacred and that we, as followers of Christ, are called to protect it. Ms. McCabe has a proven track record of enacting people-focused, evidence-based policy in defense of life.

Over the last several years, we have watched with dismay as EPA has turned its back on its core mission to "defend human health and the environment" and has rejected the basic findings of medical and scientific research. Ms. McCabe has the ability to restore EPA's integrity and its ability to defend society's most helpless. We urge you to do all in your power to ensure her expeditious confirmation.

Ms. McCabe's resume speaks for itself: a former EPA leader, Executive Director of a non-profit defending children, Assistant Commissioner of the Indiana Department of Environmental Management's Office of Air Quality, and an Assistant Attorney General. We are proud of our fellow Hoosier, and believe that her experience clearly proves both her ability to lead with integrity and honor.

In Indiana, Ms. McCabe has a reputation for being an active listener, open to diverse opinions, and committed to evidence-based decision making. That kind of character is refreshing in today's fiercely divided political world, and it is exactly the kind of leadership our country desperately needs. We urge The Environment and Public Works Committee to favorably forward Ms. McCabe's nomination to the entire Senate for a prompt confirmation. It's time to again defend children from pollution, create reasonable policies, and to act with moral courage and conviction.

Sincerely,

Dr. Jo Anne Lyon

General Superintendent Emerita The Wesleyan Church

Pastor Mike Bowling Englewood Christian Church Indianapolis, IN

Pastor Bob Whitaker Evangelical Christian Church Bloomington, IN

Pastor Nate Pyle

Christ's Community Church Fishers, IN

Pastor Brad Pontius  
 Sherwood Oaks Christian Church Bloomington, IN  
 cc EPW Committee Members Senate Leadership

Pastor Curtis Whitaker  
 Progressive Community Church International Gary, IN  
 Pastor Matthew Beck College Wesleyan Church Marion, IN  
 Rev. Dr. Jeremy Summers The Wesleyan Church Indiana Wesleyan University Marion,  
 IN

### Environmental Protection Network

**March 1, 2021—The Honorable Thomas R. Carper, Chairman; The Honorable Shelley Moore Capito, Ranking Member, Committee on Environment and Public Works.**

Dear Chairman Carper and Ranking Member Capito,

As former Deputy Administrators of the U.S. Environmental Protection Agency, we write in support of the nomination of Janet McCabe of Indiana to be the Deputy Administrator of the agency.

The Deputy Administrator role is a vital one for EPA. By law, the Deputy Administrator serves as the chief operating officer of EPA and is an important partner with the Administrator in providing leadership for the agency.

Janet McCabe is an outstanding candidate for this position and comes fully prepared to step into this important role and help sustain a strong EPA. Most recently, she has been professor of practice at the Indiana University Robert H. McKinney School of Law and the director of the Environmental Resilience Institute at Indiana University. She played a vital role between 2009 and 2017 at EPA, serving first as Principal Deputy Assistant Administrator and later as Acting Assistant Administrator for Air and Radiation. She brought a strong state perspective to these positions, having been director of the air program at the Indiana Department of Environmental Management from 1999 to 2005, and fully understands the importance of both the public and private sectors in protecting health and the environment. She came to Indiana following work on environmental issues in Massachusetts after her graduation from Harvard University and the Harvard Law School. She has known Administrator designate Michael Regan for many years and will be ready on her first day to take up the mantle of her responsibilities.

Yet her expertise, wisdom and resume do not fully describe what makes Janet McCabe such an outstanding candidate. While some of us have had the privilege of working more closely with her than others, to know Janet is to know her integrity, her strong

work ethic, her empathy, and her interest in diverse points of view. EPA career staff who worked with Janet praise her commitment to sound policy, her desire to listen to and work with EPA's dedicated career staff, and her recognition of EPA's importance in protecting the health and the environment of all Americans. The country is fortunate that she is willing to take on this responsibility.

For all of these reasons and more, we, the undersigned, offer our support for the nomination of Janet McCabe to be the Deputy Administrator and urge both the Committee and the full Senate to approve her nomination as rapidly as possible.

Respectfully,

Stan Meiburg, Acting Deputy Administrator, 2014 - 2017

Bob Perciasepe, Deputy Administrator, 2009 - 2014

Barbara Blum, Deputy Administrator, 1977-1981

Marcus Peacock, Deputy Administrator, 2005 - 2009

Linda Fisher, Deputy Administrator, 2001 - 2003

W. Michael McCabe, Deputy Administrator, 1998 - 2001

Robert Sussman, Deputy Administrator, 1993 - 1994

F. Henry Habicht, Deputy Administrator, 1989 - 1993

A. James Barnes, Deputy Administrator, 1985-1988

**March 2, 2021—The Honorable Thomas R. Carper, Chairman; The Honorable Shelley Moore Capito, Ranking Member; Committee on Environment and Public Works**

Dear Chairman Carper and Ranking Member Capito:

We are writing as former employees of the Environmental Protection Agency (EPA) to convey our support for the nomination of Janet McCabe as EPA's next Deputy Administrator.

We are a group of former EPA employees who served EPA in many different capacities, in various parts of the organization and under both Republican and Democratic administrations. While we worked in different roles, we shared a common commitment to EPA's important mission of protecting human health and the environment. Today, we come together to urge that Janet McCabe be confirmed as EPA's next Deputy Administrator.

The Deputy Administrator plays a key role in leading the agency and overseeing its operations. Janet McCabe's extensive knowledge and experience in environmental law and policy at the national, state and local levels, combined with her prior experience at EPA, make her highly qualified to be Deputy Administrator. However, it is her outstanding leadership skills, her inclusive management style and utmost integrity that makes her such an exceptional candidate. Janet values and invites different

viewpoints and works collaboratively to find effective and workable solutions. She also appreciates the importance of strong partnerships both within and outside the agency, and shows a genuine interest in staff, providing them opportunities to be visible and recognizing their work.

Above all, Janet deeply respects public service and understands how much good EPA can do for the American people. As Deputy Administrator, we have no doubt that Janet will work tirelessly to protect human health and the environment for all Americans.

For all the reasons described above, we, the undersigned, support Janet McCabe to be EPA's next Deputy Administrator, and we urge the Committee and the full Senate to swiftly approve her nomination.

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Michael P. Flynn Beverly Banister Stan Meiburg  
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 Bharat Mathur Michael Shapiro Roger Martella  
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 Dennis McLerran Kevin Donovan John Showman John E. Reeder Douglas Fox Peter  
 Swenson Ronald Fraass Steve Young Tom Eagles  
 Jed Harrison Don Zinger Walter Kovalick  
 Sylvia Malm Dona M. Harris Mary Dominiak  
 Margaret Conomos

### Interfaith Power & Light - AZ

Chief of Staff: [meg\\_joseph@sinema.senate.gov](mailto:meg_joseph@sinema.senate.gov); Policy Director:  
[michael\\_brownlie@sinema.senate.gov](mailto:michael_brownlie@sinema.senate.gov); Policy Advisor, energy/environment:  
[kate\\_gonzales@sinema.senate.gov](mailto:kate_gonzales@sinema.senate.gov)

As Executive Director of Arizona Interfaith Power & Light (a spiritual response to the climate crisis), I am writing to encourage Sen. Sinema's support for Janet McCabe to serve as Deputy EPA Administrator. We affirm President Joe Biden's nomination of Janet McCabe as a demonstration of the administration's continued commitment to placing experienced climate visionaries in key roles where they can carry out bold action to protect public health and the environment. As an EPA veteran and renowned climate attorney, McCabe is the most qualified possible candidate for this role. Working closely with soon-to-be EPA head Michael Regan, she will work tirelessly to protect our air, water, and public health.

We urge Senator Sinema to vote in support of Janet McCabe's nomination to ensure that Congress works alongside the EPA to tackle the climate crisis and quickly transition the U.S. towards a thriving 100% clean energy economy. Not only would such a move revitalize a country in the midst of serious financial downturn and provide Americans with millions of well-paying jobs, it would also bring an end to carbon pollution, improve public health, and protect our environment for generations to come. Sen. Sinema has demonstrated her interest in and compassion for Arizona's indigenous communities and communities of color that suffer most from climate change and air pollution. Renewable energy jobs will help Navajo and Hopi transition from coal to wind and solar and help clean up bad air that is the cause of health problems for many, especially communities of color, throughout the state. Thanks to Sen. Sinema's efforts to protect the Grand Canyon from pollution and uranium mining. A strong EPA led by people like Janet McCabe will help further protect this precious place for generations to come.

McCabe previously served in the EPA's Office of Air and Radiation (OAR) during the Obama administration, developing policies to address climate change and air pollution. She knows that low-income communities and communities of color are

hardest hit by pollution and the climate crisis. The Biden administration is making a strong push to address environmental justice and provide resources to communities which have been long-ignored. In order to ensure that environmental justice remains a priority, we need individuals like McCabe, who know the facts and rely on the science for decision-making, as part of the EPA's leadership.

There is so much at stake here in our state when it comes to staving off the worst impacts of climate change. Arizona, with its extended drought, forest fires, and rising temperatures, is a poster child for a warming climate. Citizens in our state will be among the first to suffer from heat and drought and among the first to benefit from climate action.

We need the swift confirmation of Janet McCabe for the position of Deputy Administrator of the EPA, so the agency can get to work and Congress along with it. The votes you cast this session will have impacts far into the future. For the sake of Arizona, the country, and generations to come, we hope you do everything in your power to guarantee us a liveable climate and sustainable future.

Sincerely,

Rev. Doug Bland  
Executive Director  
Arizona Interfaith Power & Light

### **National Parks Conservation Association (NPCA)**

#### **Support the Nomination of Janet McCabe as Deputy Administrator for the Environmental Protection Agency**

March 1, 2021 Dear Senator,

Since 1919, the National Parks Conservation Association (NPCA) has been the leading voice of the American people in protecting and enhancing our National Park System. On behalf of our nearly 1.4 million members and supporters nationwide, we urge you to support the nomination of Janet McCabe as Deputy Administrator for the Environmental Protection Agency (EPA).

Our national parks are symbols of conservation, historic preservation and our shared heritage. Yet, in the last four years, we witnessed weakened protections for our parks' air quality, cultural resources, wildlife, waterways and the list goes on. We can and



must do better. The Biden-Harris administration must address climate change head-on, ensure the federal government – and the park system – is welcoming to diverse communities, and reverse damaging policies that put at risk the water, air, wildlife and other resources that make our parks world-renowned.

Janet McCabe has extensive experience, expertise and a deep background on environmental policy issues of great importance to NPCA and our national parks, particularly regarding clean air and climate change at the intersections of environmental justice. As the former acting assistant administrator for the Office of Air and Radiation and the former air director at the Indiana Department of Environmental Management, McCabe is well versed in the inner operations of the EPA and has years of experience working with state and national government officials on critical environmental and public health issues. McCabe has direct experience and knowledge of the Regional Haze program, which specifically protects national parks and wilderness areas from air pollution and will bring important and necessary leadership to this program in 2021 and beyond. Critically, confirming McCabe will ensure this key position is held by a decision maker with a pragmatic approach and pervasive understanding of public health and environmental laws to usher along a just transition to clean energy.

The full story of America cannot be contained in a textbook or housed within a museum. Our more than 400 national parks, preserves, historic sites, seashores and more that comprise the National Park System help to tell the story of the United States and its people. It is America's legacy to future generations and to the world. But this story is still incomplete, and its chapters often face revision at the hands of environmental and human threats – threats that can be partially thwarted by strong leadership at the EPA.

We look forward to working with Janet McCabe to ensure the best future for our national parks, protect disproportionately harmed communities, and prioritize clean air and water and a healthy climate.

Thank you for considering our views.

Sincerely,  
Theresa Pierno  
President & CEO  
National Parks Conservation Association

**Environment North Carolina****March 2, 2021****The Honorable Tom Carper, Chairman; The Honorable Shelley Capito, Ranking Member; The Environment and Public Works Committee; The United States Senate**

Dear Chairman Carper and Ranking Member Capito,

On behalf of our members and supporters across North Carolina, we write to strongly endorse the nomination of Janet McCabe to be Deputy Administrator of the Environmental Protection Agency (EPA). She is the right person for the job at a critical time in our nation's history for many reasons and will bring a strong focus on science to the position. She has consistently produced results when it comes to protecting air and water quality, as well as cutting greenhouse gas emissions. Her years of experience at the agency and at the state level makes her well-suited to the role of ensuring the EPA is working cooperatively with states to fulfill the agency's mission of protecting public health and the environment.

The science has been clear for decades, climate change is one of the greatest risks to a healthy and safe future for ourselves and future generations. No one understands the technical aspects and dangers of climate pollution more than McCabe.

Here in North Carolina, we are already seeing the impacts of the climate crisis and science tells us that those impacts will only grow worse if action is not taken. Hurricane Florence cost North Carolina \$17 Billion in damages. Hurricane activity in 2019 was 120% greater than the average season, and included Hurricane Dorian, which devastated coastal communities in North Carolina. More than 120,000 North Carolinians live in areas at risk of coastal flooding and that number is expected to grow to over 160,000 by 2050 if we don't take steps to mitigate our contribution to climate change and in turn the development of stronger and more devastating hurricanes. Between 2007-2016, North Carolina experienced 23 extreme weather events that each caused over \$1 billion in economic losses. Extreme weather events have cost North Carolina's agriculture industry over \$1.1 Billion.

McCabe will bring the kind of leadership we need to tackle ambitious, science-based climate goals. To reduce the toxic pollution that threatens our planet, dirties our air, contaminates our water and makes us sick, we respectfully ask you to ensure Janet McCabe becomes our next Deputy Administrator of the Environmental Protection Agency.

Sincerely,

Drew Ball  
Director, Environment North Carolina

March 22, 2021

Dear Senator,

We write on behalf of our members and supporters in support of Janet McCabe's nomination to be Deputy Administrator of the Environmental Protection Agency (EPA). From 2013 through 2017, McCabe served as EPA's acting assistant administrator for air and radiation. Her time at EPA, in addition to her experience as a state regulator in Indiana, qualifies her for this essential role.

Our organizations have a history advocating for common sense regulations to reduce methane emissions from the oil and gas sector. The oil and gas industry leaks nearly thirteen million tons of methane into the atmosphere annually. And, methane is 86 times more potent than carbon dioxide and a major driver of climate change. Other pollutants including benzene are released alongside methane and can lead to harmful health impacts, including worsening asthma, increasing the risk of cancer, causing immune system damage and other neurological, reproductive, and developmental problems.

In 2016, the EPA took critical first steps to regulate emissions of this potent greenhouse gas. The EPA's methane standards for new and modified oil and gas sites-- finalized in 2016-- limited emissions at more than 70,000 wells. These standards prevented more than 300 million metric tons of CO2 emissions between 2016 and 2019. The Trump administration's rollback of these standards gave oil and gas companies a greenlight to pollute without oversight and directly threatened the health and well-being of one in three people in the U.S. who lives in a county with oil and gas production. Trump's actions accelerated the urgency to rein in methane leaks. It is imperative that EPA take rapid action to reduce methane emissions from the oil and gas sector by 65% by 2025 and 90% by 2030. Janet McCabe's regulatory experience during her tenure at EPA is a strong base from which to tackle this escalating problem.

We urge you to support Janet McCabe's nomination.

Sincerely,

Alliance of Nurses for Healthy Environments  
 Defend Our Future  
 Earthjustice  
 Earthworks  
 Environmental Defense Fund  
 Environmental Law & Policy Center  
 Moms Clean Air Force  
 National Parks Conservation Association  
 Natural Resources Defense Council  
 Rocky Mountain Farmers Union  
 Sierra Club  
 The Ohio Environmental Council

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**Patricia Vincent-Collawn**  
Chairman, President and CEO



March 19, 2021

The Honorable Thomas R. Carper  
Chairman, Committee on Environment & Public Works United States Senate  
Washington, D.C. 20510

The Honorable Shelley Moore Capito  
Ranking Member, Committee on Environment & Public Works United States Senate  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Moore Capito:

On behalf of PNM Resources' (PNM) 1,800 employees and 575,000 customers across New Mexico and Texas, I am writing in support of the nomination of the Honorable Janet G. McCabe to be the next Deputy Administrator of the U.S. Environmental Protection Agency (EPA).

While at the helm of EPA's Office of Air and Radiation, Ms. McCabe demonstrated her dedication to protecting public health and the environment with her approach to PNM's compliance for regional haze under the Clean Air Act. PNM was able to work in a bi-partisan manner with the EPA and the State of New Mexico to develop a comprehensive plan that ensured visibility at the region's National Parks, protected public health and was cost-effective for customers in the Southwest. Janet McCabe's leadership set the tone for the parties to develop a successful approach.

PNM is leading the way on transitioning to clean energy--we are producing nearly 50% carbon free energy today and we plan to produce 100% carbon free energy by 2040. Once she is confirmed, we look forward to working with Ms. McCabe on our transition issues. We appreciate your attention and look forward to working with this Committee and the Administration on delivering affordable, reliable clean energy to our customers.

Sincerely,

A handwritten signature in black ink, appearing to read "Pat Vincent-Collawn".

Pat Vincent-Collawn



**Maryland**  
Department of  
the Environment

Larry Hogan, Governor  
Boyd K. Rutherford, Lt. Governor  
Ben Grumbles, Secretary  
Horacio Tablada, Deputy Secretary

March 2, 2021

The Honorable Tom Carper  
Chairman  
U.S. Senate Committee on Environment and  
Public Works  
Washington, D.C. 20515

The Honorable Shelley Moore Capito  
Ranking Member  
U.S. Senate Committee on Environment and  
Public Works  
Washington, D.C. 20510

Dear Chairman Carper and Ranking Member Capito:

I write in strong support of the nomination of Janet McCabe to be Deputy Administrator of the Environmental Protection Agency.

Ms. McCabe has distinguished herself as a state environmental leader who knows the people, policies, and programs of EPA and the importance of working together for bipartisan environmental progress.

I got to know Janet in her role as an EPA Air Official when I was the director of Arizona's Department of Environmental Quality and subsequently secretary of Maryland's Department of the Environment. Whether I was serving as an Eastern or Western state official or a member of the Environmental Council of the States, [ECOS.org](http://ECOS.org), I witnessed firsthand that Janet was always thoughtful and willing to listen and learn about regional differences and local solutions.

Janet is uniquely qualified to succeed as a Deputy Administrator who advances EPA's mission from within and beyond by building strong and respectful partnerships with citizens and governmental and nongovernmental entities.

Sincerely,

Ben Grumbles  
Secretary

cc: All Members of Senate EPW Committee

Senator CARPER. I am going to come back to the Clean Power Plan.

But before I do that, I love to tell the story of Willie Sutton, Willie Sutton who was a famous bank robber back, I think, in the Great Depression. He robbed a lot of banks, finally got caught. He was dragged before the judge in court, and the judge said, Mr. Sutton, why do you rob so many banks? He said, that is where the money is.

When you look at EPA, and the last Administration, two Administrations ago and the current Administration, we know we have too much carbon in the air, and we have a pretty good idea where it is coming from. My understanding is that mobile sources are producing about 28 percent of that carbon dioxide.

I am told that our power plants, power sector, would be maybe No. 2 in the pecking order. What would be No. 3?

Ms. MCCABE. As I recall, oil and gas development is—well, if you look at the economy, you have mobile sources, power generation, and then kind of the rest of our economic activity, including commercial buildings and that sort of thing, heating, that sort of thing.

Senator CARPER. There has been negotiation going on in terms of mobile sources, as you know, between the auto industry and a bunch of States, including California, including Delaware, to phase down, ratchet down, CO<sub>2</sub> emissions, greenhouse gas emissions, from our mobile sources. I think there are some encouraging developments in this area, as you know, and our friends at GM have announced that they are going to stop producing gas and diesel-powered vehicles in 2035. Ford, I think has set 2030 as a date for stopping the development of similar kinds of vehicles. I don't know if that was in Europe or the U.S., but it is significant, in any event.

The Clean Power Plan, I know that there was a stay by the Supreme Court several years ago. My understanding, despite that stay, the power industry, utility industry writ large, has actually met and maybe even exceeded the reductions that were called for in the Clean Power Plan. Is that correct?

Ms. MCCABE. That is my understanding, Senator. And it doesn't surprise me, it doesn't surprise people. Because the EPA rules, as dictated by the Clean Air Act, are supposed to focus on where the industry is going, and look at the technologies and the innovations and the practice that are already out there in the industry and project those forward.

So we fully expected the power sector to move forward in ways that reduce emissions, and indeed they have, even though the Clean Power Plan never went into effect.

Senator CARPER. All right. Thank you.

If I can, Ms. Mallory, a question for you. This is again with respect to environmental impact studies under NEPA.

Are you concerned that the changes, some of the changes and revisions, to how we analyze Federal action will undermine our Nation's ability to address these and other major challenges? Are you concerned that some of the changes that we have talked about earlier, to how we analyze Federal actions will undermine our Nation's ability to address these and other major challenges?

Ms. MALLORY. Thank you, Senator, for that question. That is a question that I am very interested, if confirmed, in getting to talk

to the experts at CEQ, and the NEPA staff, about their sense of how the rules are being implemented and the impacts that the rules are having right now.

From the outside looking at what the rules did and the way they were structured, I definitely have concerns about them being set up in a way that would impact the ability to get the information that is necessary for the agencies to make a decision.

Senator CARPER. OK, good. Thanks.

Ms. McCabe, maybe one or two final questions. What lessons, if any, can we draw from EPA's experience under the previous Administration to improve agency safeguards that protect scientific research and the publication of scientific findings?

Ms. MCCABE. Yes, Senator, good science done in an open and transparent way with respect for the scientific process and the scientists is absolutely essential to good policy. I think that many have been concerned at some of the things that happened during the prior Administration about the treatment of scientists and the use of science in agency decisionmaking processes.

So I think we have already seen the Biden Administration make clear that science will be the foundation of policy going forward. I know that is the commitment of Secretary Regan. If confirmed, it will be mine as well.

Senator CARPER. OK, good. A followup question to that. Would you commit to working with this committee in fixing scientific integrity at EPA, either by administrative or by rule or by legislation, to ensure that abuses of the scientific process cannot happen again?

Ms. MCCABE. Senator, if confirmed, I would be more than happy to work with this committee and any other members on any issues related to making sure that scientific integrity is protected.

Senator CARPER. My last question of you, have you ever heard the name Thomas Dolby?

Ms. MCCABE. Thomas Dolby? I don't think so.

Senator CARPER. Have you ever heard the term one-hit wonder?

Ms. MCCABE. Yes.

Senator CARPER. He was a one-hit wonder.

Ms. MCCABE. OK.

Senator CARPER. Whenever we talk about science, I think of him. Because his one hit was, *She Blinded Me With Science*.

[Laughter.]

Senator CARPER. We don't want to be blinded by science; we want to be guided by science. We want to be guided by science as we go forward.

Are there any more questions? Anybody out there in web land want to ask a question? All right.

Let me just say, a real thanks to our witnesses today for joining us. Thank you for your life's work in the past and your willingness to sign on for another tour. We will see how things go forward. I wish you luck. We hope personally that we are able to move your nominations and to work with our Republican colleagues in that regard.

If there are no more questions, I have one more unanimous consent request, Senator Capito, that Senators are able to submit ma-



terials for the hearing record which will be open for 2 weeks until the close of business on Wednesday, March 17th.

If there are no more questions for today, members may submit followup written questions for the record, we call those QFRs, by 4 p.m. on Wednesday, March 10th. The nominees should respond to those questions by 10 a.m. on Wednesday, March 17th. So we are looking for responses by 10 a.m. on Wednesday, March 17th.

Anything else?

Senator CAPITO. No. Just thank you both, very much. We thank your loyal supporters back there. I know sometimes it is harder on them than on you.

Senator CARPER. Again to your spouses, thank you. President Biden recently visited Robert Dole, Bob Dole, a great hero, great Senator from Kansas, who sat in one of these hearing rooms I think in this building many years ago when his wife had been nominated, I think by George W. Bush, to be a cabinet secretary.

And her husband introduced her at the hearing to his colleagues. Robert Dole, who had a wicked sense of humor, said at the hearing, you may recall, he said, "I regret that I have but one wife to serve my country." And so to your spouses, thank you for your willingness to share your spouses and your loved ones. We thank you for being with us today. God bless.

With that, this hearing is closed.

[Whereupon, at 12:24 p.m., the hearing was adjourned.]

