1 **DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES**
2 **APPROPRIATIONS FOR FISCAL YEAR 2019**
3
4 **WEDNESDAY, MAY 16, 2018**
5
6 U.S. Senate,
7 Subcommittee of the Committee on Appropriations,
8 *Washington, DC.*
9 The subcommittee met at 9:34 a.m., in room SD-124, Dirksen
10 Senate Office Building, Hon. Lisa Murkowski (Chairman)
11 presiding.
12 Present: Senators Murkowski, Capito, Daines, Hyde-Smith,
13 Udall, Leahy, Tester, Merkley, and Van Hollen.
14 ENVIRONMENTAL PROTECTION AGENCY
15 **STATEMENT OF THE HONORABLE SCOTT PRUITT, ADMINISTRATOR**
16 **ACCOMPANIED BY HON. HOLLY GREAVES, CHIEF FINANCIAL OFFICER**
17 OPENING STATEMENT OF SENATOR LISA MURKOWSKI
18 Senator Murkowski: Good morning, everyone. Today, we are
19 here to review the fiscal year 2019 budget request for the
20 Environmental Protection Agency. I'd like to begin by
21 welcoming our witnesses today. We welcome back to the
22 subcommittee Administrator Pruitt. He is accompanied by Holly
23 Greaves, who is the Chief Financial Officer for the Agency.
24 Thank you both for coming back before the subcommittee.
25 Just a reminder to colleagues, we'll follow the "early

1 we now have 10 percent more counties meeting ozone quality
2 across the country than we did before.
3 I emphasize again that these actions, which will improve
4 the efficiency of the EPA and the lives of countless Americans,
5 are only highlights of the EPA's achievements in the last month
6 alone. President Trump has set a clear and very ambitious
7 agenda for the EPA, and we are focused on getting those results
8 to the American people. And make no mistake, we will achieve
9 those results and serve the American people effectively with
10 our agenda.
11 I look forward to your questions, Chairwoman.
12 [The statement follows:]

Ex. 5 Deliberative Process (DP)

13 INSERT BRUITT STATEMENT

Ex. 5 Deliberative Process (DP)

14 Senator Murkowski: Thank you, Administrator. I
15 appreciate you outlining the issues that you have undertaken as
16 an Agency to work again towards the goals that I think we all
17 recognize are the mission set within the EPA: clean air, clean
18 water.
19 You have heard the very direct comments from my Ranking
20 Member and from the Ranking Member of the full committee. As I
21 mentioned in my opening, you had an opportunity to field
22 similar criticism in the House hearing just last week or so.
23 That is part of that record. I think we all have had an
24 opportunity to review that, but I would ask you at this point
25 in time if you have anything that you would like to add to that

Ex. 5 Deliberative Process (DP)

TESTIMONY OF
E. SCOTT PRUITT

ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE

SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES
U.S. SENATE COMMITTEE ON APPROPRIATIONS

May 16, 2018

Good morning, Chairman Murkowski, Ranking Member Udall, and members of the subcommittee. I am joined by Holly Greaves, EPA's Chief Financial Officer, and we are here today to discuss the Environmental Protection Agency's (EPA) proposed FY 2019 budget, which supports the goals and objectives in the *FY 2018-FY 2022 EPA Strategic Plan*.

As the Administrator of the Environmental Protection Agency, I am a firm believer in EPA's mission to protect human health and the environment, and I am committed to helping provide future generations with a cleaner and healthier environment. We made great progress in year one. I laid out my vision for EPA's continued progress in the Agency's *Strategic Plan*. Under this *Plan*, our first goal is to "Deliver real results to provide Americans with clean air, land, and water, and ensure chemical safety." This is the Agency's Core Mission, and this budget enables progress on the most important priorities of this mission. The second goal of the *Strategic Plan* is to "Rebalance the power between Washington and the states to create tangible environmental results for the American people." Through this Cooperative Federalism approach, we will enhance shared accountability with our partners and increase transparency. The third goal of the *Strategic Plan* is to "Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law." By refocusing on the Rule of Law and Process, the Agency will enhance compliance with the law, create greater consistency and certainty for the regulated community, prioritize robust science, streamline and modernize the Agency, and improve efficiency and effectiveness. Through this vision of a more effective government that administers the law as Congress intends and cooperatively engages with our Nation's states and tribes, EPA will continue to make real progress in achieving its mission.

Over the past year as Administrator, I've witnessed firsthand the tremendous advances this Agency, and our partners, have made to address the Nation's environmental challenges and fulfill our mission. The proposed budget continues this progress by supporting EPA's highest priorities with federal funding for core work in air and water quality, contaminated land cleanups, ensuring the safety of chemicals in the marketplace, and compliance with the law. The President's Budget aims to create a more efficient and effective EPA by reducing redundancies and improving operations.

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As Administrator of EPA my top priorities include: infrastructure improvements to our Nation's drinking water and wastewater systems; accelerating the remediation and revitalization of the most contaminated land in our communities; improving air quality through significant reductions in the number of areas not in attainment with the National Ambient Air Quality Standards (NAAQS); and meeting all the statutory deadlines outlined in the amended Toxic Substances Control Act (TSCA). In my testimony, I will highlight how the budget directly supports these top priorities.

I firmly believe that EPA can accomplish far more when the Agency focuses on working cooperatively with the states and tribes to improve public health and the environment. It is essential for the federal, state, territorial, and tribal governments to work together to provide the environmental protection that our laws demand and that the American people deserve. This budget supports cooperative federalism through activities such as the Multipurpose Grant program, which is included in this budget. This program will support the implementation of statutory obligations delegated by EPA under pertinent environmental laws and provide states, tribes, and territories with increased flexibility to apply the funds toward their highest priorities.

We will continue to work collaboratively with state, tribal, and local governments to provide flexibility to address important priorities. I personally look forward to working with you all, and other Members of Congress, to ensure we meet the environmental needs of your communities.

In my testimony today, I will highlight how the budget advances the *Strategic Plan*'s three goals: Core Mission, Cooperative Federalism, and Rule of Law and Process. I will focus on key objectives to improve air quality, provide for clean and safe water, revitalize land and prevent contamination, ensure the safety of chemicals in the marketplace, assure compliance with the law, and improve efficiency and effectiveness.

Improving America's Air Quality

By funding air quality work at $410 million, EPA will continue to perform key activities in support of protecting human health and the environment through improving the quality of the Nation's air with a focus on states and localities achieving greater levels of NAAQS attainment.

States have made tremendous progress and significant investment in improving air quality. Since 1970, total emissions of the six criteria air pollutants regulated under the NAAQS program have dropped by 73 percent, while gross domestic product grew by over 252 percent. Despite this progress, much work remains to increase attainment levels across the country. We are focused on working in partnership with state, tribal, and local governments to design and implement air quality standards and programs.

Areas designated as being in nonattainment of the standard face consequences, including increased regulatory burdens, restrictions on infrastructure investment, and increased costs to businesses. The Agency is looking to bring these areas into attainment by aggressively tackling the current backlog of State/Tribal Implementation Plans (SIP/TIP), more effectively mapping the SIP process, focusing on data integrity, and applying process improvements to EPA's own review process.

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We are also seeking additional authority from Congress to fee-fund the ENERGY STAR program by establishing user fees for entities that participate in the program. ENERGY STAR has proven to be an effective partner in helping consumers and businesses save money and reduce energy use. On the mobile source side, the Federal Vehicle and Fuels Standards and Certification program will focus its efforts on certification decisions. The Agency will conduct activities supporting pre-certification confirmatory testing for emissions and fuel economy for passenger cars.

Providing for Clean and Safe Water

The President has emphasized that maintaining and improving infrastructure is critical to the foundation of this country's economy and our global competitiveness. At EPA, this means, in large part, we will continue to make investments in drinking water and wastewater infrastructure, provide clear and actionable permitting decisions to the regulated community, and leverage federal investment with non-federal sources.

The FY 2019 budget includes $2.3 billion to capitalize the State Revolving Funds (SRFs) to assist our implementing partners in revitalizing and rebuilding our Nation's aging water resources. The budget funds the SRFs equivalent to the FY 2017 enacted level in recognition of the essential role they play in renewing and replacing infrastructure in communities all across the country. The FY 2019 budget also includes $20 million for the Water Infrastructure Finance and Innovation Act (WIFIA) program to address water infrastructure needs. The $20 million provided for WIFIA could provide up to $2 billion in credit assistance, which, when combined with other funding resources, could spur up to an estimated $4 billion in total infrastructure investment. In the first round of WIFIA funding, projects selected encompass the broad range of project types that the WIFIA program can finance, including wastewater, drinking water, stormwater, and water recycling projects. Taken together, these projects demonstrate how WIFIA complements the SRF programs as an additional innovative and flexible source of low-cost capital for communities of all sizes.

EPA will continue to partner with states, drinking water utilities, and other stakeholders to identify and address current and potential sources of drinking water contamination, particularly in areas of significant regional and national importance. These actions are integral to infrastructure efforts because source water protection can reduce the need for additional drinking water treatment and avoid the associated costs. To assure the American people that their water is safe to drink, EPA's drinking water regulatory program monitors for a broad array of contaminants, evaluates whether contaminants are of public health concern, and regulates contaminants when there is a meaningful opportunity for health risk reduction for persons served by public water systems.

The Agency is focused on reducing lead exposure in the Nation's water supply. EPA will work to advance progress in this area through revisions to the Lead and Copper Rule (LCR) as well as regulations to implement the Water Infrastructure Improvement for the Nation (WIIN) Act and the Reduction of Lead in Drinking Water Act. Lead exposure, particularly at higher doses, continues to pose a significant health and safety threat to our children, robbing them of the fullest potential of their health, intellect, and future. EPA and our federal partners are committed to taking action to address this threat and improve health outcomes for our Nation's most vulnerable citizens – our children. This budget maintains funding for the Drinking Water State

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Revolving Fund (DWSRF) which may be used to help communities replace lead service lines by providing principal forgiveness and low interest loans in addition to maximizing the use of the DWSRF set-asides to fund corrosion control studies when an action level exceedance is triggered. The maintained funding for the Drinking Water SRF, and the efforts of the President's Task Force on Environmental Health Risks and Safety Risks to Children, which I recently convened at EPA headquarters, will ensure we are focused on reducing lead exposure nationwide.

EPA will continue to provide scientific water quality criteria information to our partners and the public, review and approve state water quality standards, and review and approve state lists of impaired waters. In FY 2019, the Agency will work with states and other partners on Total Maximum Daily Loads (TMDLs) as required by the Clean Water Act, as well as on other waterbody restoration plans for listed impaired waterbodies. The FY 2019 budget includes funding for the Chesapeake Bay and Great Lakes geographic programs to support our state and local partners that monitor and protect these water bodies of national significance. EPA also will continue to implement and support core water quality programs that control point-source discharges through permitting and pre-treatment programs.

Revitalizing Land and Preventing Contamination

During my time as Administrator, I have heard from families, community members, elected officials, and business leaders that the remediation of contaminated sites takes too long. Approximately 53 million, or 16 percent, of all Americans, live within three miles of a Superfund site. Ensuring that the Superfund program is efficiently and effectively managed, and contaminated land is returned to a safe and productive use, is one of my top priorities. The FY 2019 budget funds the Superfund account at the full FY 2017 enacted level to accelerate our progress in revitalizing land. Additionally, last year I established the Superfund Task Force, which identified forty-two recommendations under five overarching goals for revamping EPA's Superfund work. These goals are Expediting Cleanup and Remediation; Re-Invigorating Responsible Party Cleanup and Reuse; Encouraging Private Investment; Promoting Redevelopment and Community Revitalization; and Engaging Partners and Stakeholders.

Work to prioritize and reinvigorate the program is well underway and will continue into the future. One example of the changes we are implementing is the identification of Superfund sites for immediate and intense action. I personally monitor and engage with our Regional offices to accelerate work at these sites, such as at the West Lake site, where we recently released a Proposed Plan after years of inaction. At these sites and others across the country, the EPA is actively engaged with increasing the pace of remediation progress at Superfund sites on a continuous basis.

In FY 2019, the Superfund program request is $1.089 billion, which will provide support to states, local communities, and tribes in their efforts to assess and cleanup many of the worst contaminated sites in the U.S. and return them to productive use. In addition to Superfund, over $109 million is requested for Brownfields programs that will cleanup and restore contaminated land so it can be available for redevelopment and provide economic productivity. EPA's Brownfields programs are a successful model where the Agency works cooperatively with states, tribes, local governments, and other agencies to help communities oversee, plan, assess, and

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clean up Brownfield properties. These activities not only return land to productive use but also help spur economic development and job creation. Brownfields grants have a community-driven approach, with over 69,200 acres of idle land made ready for productive use and over 129,240 jobs and $24.7 billion leveraged to date.

When it comes to cleaning up contaminated sites, I believe that the steps we have put in place will accelerate the pace of cleanups across the country.

Ensuring the Safety of Chemicals in Commerce

Ensuring the safety of chemicals used in commerce and sold in the marketplace is a top priority. Resources are needed to support efforts to minimize Americans' exposure to pesticides, help maintain a healthy food supply, and address public health concerns.

In FY 2019, $59 million is requested for the Toxic Substances Control Act (TSCA) Chemical Risk Review and Reduction Program to support the Agency's significant ongoing and new responsibilities for ensuring that new and existing chemicals in commerce do not present unreasonable risks to human health or the environment. The Act authorized a new TSCA Service Fee to help provide funding for EPA to carry out its new responsibilities. The Agency recently released a proposed TSCA User Fee rule and anticipates collecting fees in FY 2019. The new fee will help defray cost of carrying out new sections of the law and better support pre-manufacture notice reviews.

In FY 2019, the Agency expects to review over one thousand new chemical submissions, take appropriate testing and risk management actions - including orders and Significant New Use Rules (SNURS) where appropriate, and make affirmative determinations. New chemicals will be evaluated and decisions will be based on the best available science and the weight of evidence.

Under my leadership, we have eliminated a backlog of more than 300 new chemical submissions that required re-review under the new law; completed reviews under the new law of more than 1,150 new chemical notifications; and commenced risk evaluations for an initial set of 10 priority chemicals and are issuing scoping documents on schedule. The Agency is also increasing transparency for the public and regulated community about these chemicals.

We are working with companies to gather all the relevant information early in the process to inform safety reviews for new chemicals. Reviewing new chemicals quickly will enable those deemed safe to enter the marketplace to support jobs and our economy. The reduction in the backlog is the result of prioritizing and implementing process efficiencies. EPA will continue to work with all stakeholders to identify additional changes to improve the quality, efficiency, and transparency of the new chemical review program.

For chemicals in commerce, EPA will maintain an ambitious schedule for initiating and completing chemical risk evaluations and, where risks are identified, for initiating and completing regulatory actions to address those risks. EPA also will implement the new mandates related to determinations on claims for confidentiality for chemical identities.

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Chemical and biological pesticides help meet national and global demands for food. They provide effective pest control for homes, schools, gardens, highways, utility lines, hospitals, and drinking water treatment facilities, while also controlling vectors of disease. Identifying, assessing, and reducing the risks presented by the pesticides on which our society and economy rely is integral to ensuring environmental and human safety. EPA's pesticide licensing program evaluates new pesticides before they reach the market and ensures that pesticides already in commerce are safe when used in accordance with the label as directed by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the Federal Food, Drug, and Cosmetic Act (FFDCA), and the Food Quality Protection Act (FQPA). The program ensures that the pesticides available in the U.S. are safe when used as directed. EPA will continue to review and register new pesticides, new uses for existing pesticides, and other registration requests in accordance with all statutory requirements. In addition, the program is increasing the focus on pollinator health and working with other federal partners, states, and private stakeholder groups to stem pollinator declines and increase pollinator habitat.

In FY 2019, EPA will invest resources to improve the compliance of pesticide registrations with the Endangered Species Act. A portion of the funding also will ensure that pesticides are correctly registered and applied in a manner that protects water quality.

Assuring Compliance with the Law

For decades, the protections mandated by federal environmental laws have been essential to the growth of American prosperity and improvements to public health and environmental quality. EPA remains focused on assisting the regulated community in attaining and maintaining compliance with our Nation's environmental laws and, where necessary, punishing bad actors who shirk those laws. This means providing effective compliance assistance to our industry partners and enforcing civil and criminal cases in areas that address substantial impacts to human health and the environment. EPA's enforcement efforts to date have produced billions of dollars in cleanup commitments from violators and billions of pounds of pollution prevented and cleaned up as a result of those commitments.

As an example of providing increased compliance assistance, the budget includes a proposal for new voluntary oil and chemical facility compliance assistance fees. For interested parties, EPA would conduct a walk-through and provide recommendations on ways the facility could come into or remain in compliance with EPA regulations. This is one example of how the Agency is advancing compliance assistance.

As states are the primary implementers of many enforcement action programs, we will focus Agency resources on non-delegated programs. We will rely on our state partners to achieve compliance and enforcement goals, and we will focus resources on our direct implementation responsibilities and oversight, emphasizing violations with public health and environmental impacts.

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Improving Efficiency and Effectiveness

The budget includes EPA's Reform Plan to implement the goals of the President's *Executive Order 13781: Comprehensive Plan for Reorganizing the Executive Branch*. The plan includes a series of projects focused on improving how EPA provides services and engages customers. Projects include streamlining EPA's permit review processes, deploying a Lean Management System, and reducing unnecessary reporting burden on the regulated community. We will build on business process improvements by partnering with states, tribes, and local governments to expand and support approaches across all our programs. The Agency will work with states and use Lean techniques to streamline the review of state-issued permits.

This budget does not include plans to close Regional offices, but we will continue to prioritize efforts that save taxpayer dollars through space consolidation and essential renovations to reduce and optimize our physical footprint. We will work with states and tribes to target resources to core statutory work and provide flexibility to address particular priorities and concerns. As careful stewards of taxpayer resources, we will examine our programs for those that are unnecessary, redundant, or that have served their purpose and accomplished their mission or are outside EPA's statutory mandates. The FY 2019 President's Budget identifies and eliminates programs to save taxpayers approximately $620 million relative to the FY 2018 enacted budget.

With this budget, we are committed to fulfilling our mission of protecting public health and the environment. With support from our state and local partners, and by working with each of you and your colleagues in Congress, we can make a real difference for communities across America.

Thank you for the opportunity to speak with you today. I look forward to answering your questions.

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in response to some of the issues that either Senator Udall or Senator Leahy have raised, or if you choose, you may just handle them directly as those questions come from them. But I wanted to give you the opportunity to supplement anything at the outset before I move to the more budget-specific questions that I have.

Mr. Pruitt: Yes. Chairman Murkowski, thank you for the opportunity. ~~And~~ let me say first and foremost, I understand the concern that has been raised by the Ranking Member, as well as Senator Leahy, and in your comments as well, Chairman Murkowski. I knew that as I began this process over 16 months ago to lead this Agency that the issues would be competitive. There are world views that drive the decisions that we make at the Agency, and over the last several years, we've seen a competition with respect to how we should approach our business. First and foremost, we have had some advance in agenda that true environmentalism, environmental protectionist prohibition, and not stewardship. ~~And so~~ one of the things that we have tried to focus upon at the Agency, and what I've tried to focus upon, is restoring a commitment of recognition that we, as a country, can be about management of our natural resources, that we can truly feed the world and power the world and do so with stewardship principles in mind as we advance the agenda.

Ex. 5 Deliberative Process (DP)

We've made some very important decisions, Chairman, as you

1 know, with respect to the Pebble Mine situation in Alaska.
2 That was a very controversial decision that was made. We made
3 the decision based upon the data, the science, and the feedback
4 that was provided by citizens in your State, and did what was
5 right there.
6 Recently, as I mentioned in my comments, the methylene
7 chloride decision, that was an Obama era regulation issued in
8 January of 2017. I recently met with individuals impacted by
9 methylene chloride and made the decision to proceed with that
10 by forwarding it to OMB. We are making the tough decisions
11 with respect to environmental protection while at the same time
12 restoring confidence in the American people that we can engage
13 in regulations and not pick winners and losers and not engage
14 in coercion with our actions. Now, that has brought, I think,
15 competition and criticism, and I understood that from the very
16 beginning. And there have been decisions over the last 16 or
17 so months that, as I look back on those decisions, I would not
18 make the same decisions again, and I'm sure we're going to talk
19 about some of those.
20 But some of the areas of criticism are frankly areas where
21 processes at the Agency were not properly instituted to prevent
22 certain abuses from happening. One, as an example, the
23 decision with respect to the phone booth. You mentioned the
24 secure phone line. That was a process that there were not
25 proper controls in [redacted] early to ensure a legal review of the

Ex. 5 Deliberative Process (DP)

1 obligation of the Agency to inform Congress and GAO. And I
2 started a process shortly after I find out about it that we
3 investigate that and institute those controls to ensure that
4 that does not happen again.
5 We're going to talk about a number of those, and as the
6 leader of the Agency, it's my responsibility to take steps. In
7 fact, one of the things I did shortly after the House meeting,
8 Chairman, is institute a memo for the entire Agency that any
9 expenditure over $5,000 that impacts my official duties has to
10 be approved by the CFO, the Deputy, and the Chief of Staff to
11 ensure that all processes are being checked and there are
12 proper controls in place.
13 So I share your concerns about some of these decisions. I
14 want to rectify those going forward. I also want to highlight
15 for you that some of the criticism is unfounded and I think
16 exaggerated, and I think it feeds this division that we've seen
17 around very important issues affecting the environment. We can
18 achieve both, good environmental outcomes and pro-growth
19 policies, and it's our commitment and my commitment to achieve
20 that. And I look forward to the discussion.

Ex. 5 Deliberative Process (DP)

21 Senator Murkowski: Well, thank you for that, sir. And
22 let me move then to a policy initiative. I mentioned in my
23 opening statement the issue related to the Waters of the United
24 States, WOTUS, as we call it around here. I believe very
25 strongly that what we had seen under the previous

1 administration with the interpretation was overly expansive.
2 And again I mentioned that when you have two-thirds of your
3 State that is considered wetlands, it would have put even the
4 most routine project in my State to EPA scrutiny and delay and
5 possibly no advancement whatsoever. So I have been encouraged
6 by the plans to reexamine the regulation and to come up with a
7 more sensible proposal.
8 So the question for you this morning is, What is the
9 status on that in terms of updating the rule? I've heard
10 rumbles out there that the timeframe for completion may be
11 slipping on this. Can you provide me any updates here?
12 Mr. Pruitt: Well, as far as the timing, there are
13 actually two or three actions that we are engaged in as an
14 Agency. There was a proposed withdrawal and a replacement of
15 the WOTUS rule that we've talked about, Chairman, as well as a
16 rule dealing with the compliance dates for the Waters of the
17 United States from 2015. So the proposed withdrawal of the
18 Waters of the United States rule from 2015 has not been issued
19 yet.
20 As far as the -- there was a supplemental notice that
21 we're likely going to be providing to the marketplace to
22 provide additional opportunity for comment. But the plan is to
23 actually finalize the proposed withdrawal sometime in the first
24 -- the third quarter of this year, and then have a replacement
25 of the Waters of the United States rule by the end of the year

1 as far as the actual finalization of that. I anticipate by the
2 end of this month that we'll actually have a proposed
3 definition of replacement of the 2015 rule that will go out for
4 a proposal for people to comment upon, and that will begin
5 either late this month or early next month.
6 Senator Murkowski: Great.
7 Mr. Pruitt: On -- on that matter, though, Chairman, if I
8 might for a second, the Waters of the United States rule, the
9 purpose behind it, as far as what we heard in 2015, was to
10 provide certainty, that folks across the country needed clarity
11 on where Federal jurisdiction began and ended. And as we look
12 at what happened in 2015, that actually did not occur. There
13 was more uncertainty after the publication of the rule as
14 opposed to certainty. So we have a job to do. The job is to
15 provide that clarity and that certainty to the American people.
16 And it's not just the withdrawal, it's also the replacement
17 that matters there.
18 Senator Murkowski: Thank you for that.
19 [redacted]
20 [redacted]
21 Administrator Pruitt, there has been a deluge of reports
22 about ethical and spending problems in your office. I would
23 like to give you an opportunity to go on the record confirming
24 or denying some of these reports. In the limited time we have,
25 the public deserves real answers.

Ex. 5 Deliberative Process (DP)

1 Do you know how many investigations into your ethics and
2 spending are ongoing as of today?
3 Mr. Pruitt: Well, there are inquiries by the inspector
4 general, as you know, Ranking Member Udall. And there's
5 interaction with the GAO as well. So as far as the total
6 number, I don't know, but I know that those agencies and those
7 individuals or offices are involved.
8 Senator Udall: By my count, there are 14, including the
9 inquiry I requested today. And I'm confident the GAO will
10 accept. And it's 16 if you include the two ongoing reviews by
11 your bosses at the White House and the OMB.
12 And, Madam Chair, I would ask consent to submit that list
13 for the record.
14 Senator Murkowski: It will be included.
15 [The information follows:]
16 **INSERT LIST OF INQUIRIES INTO EPA ETHICS AND**
17 **SPENDING**

Ex. 5 Deliberative Process (DP)

18 Senator Udall: Administrator Pruitt, as a former attorney
19 general, and, you know, you and I share that responsibility.
20 We didn't serve at the same time, but -- and you're also a law
21 enforcement official at the EPA. Do you support Special
22 Counsel Mueller completing his investigation?
23 Mr. Pruitt: I'm sorry, Ranking Member Udall.
24 Investigation into --
25 Senator Udall: Do you support Special Counsel Mueller

1 completing his investigation?

2 Mr. Pruitt: I'm not -- I think the process is

3 continuing --

4 Senator Udall: It's a simple yes or no.

5 Mr. Pruitt: That's not something I'm aware of.

6 Senator Udall: Yes.

7 Mr. Pruitt: Yes.

8 Senator Udall: Do you support him completing his

9 investigation?

10 Mr. Pruitt: I don't belong in the process.

11 Senator Udall: You're a law enforcement official. You've

12 had investigations before. Do you support it?

13 Mr. Pruitt: I think as attorney general, it's important

14 for law enforcement, those investigators that serve

15 prosecutors, to be able to provide adequate information to them

16 to make informed decisions about whether to proceed as a

17 prosecutor.

18 Senator Udall: So --

19 Mr. Pruitt: I did that as attorney general, and I would

20 trust that would happen at the Federal -- Federal level as

21 well.

22 Senator Udall: As you know, the right answer is yes.

23 Whenever there's an investigation ongoing, a President or

24 Rudolph Giuliani or anybody else shouldn't be interfering with

25 that investigation, putting time limits on it or anything else,

1 and that's the reality.

2 Mr. Pruitt: I also --

Ex. 5 Deliberative Process (DP)

3 Senator Udall: Yesterday -- I haven't asked a question,

4 sir. Yesterday, I requested a GAO inquiry into the April 13

5 tweet from your EPA's official account, which you mocked

6 Democratic Senators for their votes opposing the confirmation

7 of an EPA official. Are you aware appropriations law prohibits

8 Federal spending on publicity and propaganda?

9 Mr. Pruitt: Well, I was unaware of the tweet, and that

10 shouldn't have occurred.

11 Senator Udall: You were unaware of it. So you didn't

12 authorize it.

13 Mr. Pruitt: I was unaware of the tweet, and that

14 shouldn't have occurred. Ex. 5 Deliberative Process (DP) ere should have been

15 no mocking that took place.

16 Senator Udall: Do you apologize for it?

17 Mr. Pruitt: The Agency should not have done that.

18 Senator Udall: Okay. And you apologize for it.

19 Mr. Pruitt: The Agency should not have done that.

20 Senator Udall: Well, do you apologize to the Democratic

21 Senators that you were mocking?

22 Mr. Pruitt: The Agency should not have engaged in that

23 process.

Ex. 5 Deliberative Process (DP)

24 Senator Udall: And you agree, I guess, that -- well, let

25 me go on to the privacy booth.

1 Today marks 1 month since GAO announced that the EPA
2 violated the Anti-Deficiency Act by hiding a $43,000
3 expenditure on a privacy booth. The law requires agencies to
4 immediately report to the President and Congress on how the
5 violation happened and what you plan to do to fix it, but we
6 have no report in hand. When do you plan to comply with the
7 law by properly reporting this violation, including what EPA
8 plans to do to make sure it doesn't happen again, and to your
9 boss, the President, and the Congress?
10 Mr. Pruitt: As I mentioned to the Chairman in the
11 comments I just provided, one of the things that I've learned
12 with respect to this particular process is there were not
13 proper controls in place, and when I say "proper controls,"
14 there was no legal review that took place contemporaneous to
15 approving the contract on whether notification should occur to
16 Congress or whether it fell within the $5,000 threshold --
17 Senator Udall: But you're --
18 Mr. Pruitt: That was Ex. 5 Deliberative Process (DP) --
19 Senator Udall [continuing]: You're required now to report
20 it. You were required then.
21 Mr. Pruitt: That is --
22 Senator Udall: We do not have that report.
23 Mr. Pruitt: That's not my understanding.
24 Senator Udall: As far as I know, the President doesn't
25 have that report. Are you going to report to us?

1 Mr. Pruitt: It's my understanding that -- that Congress
2 has been, in fact, informed about the $43,000 expenditure.
3 Senator Udall: I -- no, you have not issued the report
4 that is required and tell us how you are going to fix this. So
5 will you commit --
6 Mr. Pruitt: There's an ongoing investigation --
7 Senator Udall [continuing]: Today to do that?
8 Mr. Pruitt: There's an ongoing investigation
9 internally --
10 Senator Udall: Will you commit today to do that?
11 Mr. Pruitt: To do what, Ranking Member Udall?
12 Senator Udall: Submit the report you're required to
13 submit by law.
14 Mr. Pruitt: Yes. Once the information is collected, we
15 will provide that report. It's my understanding we have, in
16 fact, advised Congress about the $43,000 expenditure. Now, if
17 there's additional information that's needed, we will collect
18 that information and get it to Congress.
19 Senator Udall: There -- there is additional information
20 needed because the GAO found you violated the law --
21 Mr. Pruitt: The Agency violated --
22 Senator Udall [continuing]: And they find you violated
23 the law, you are required to make a report to the President and
24 to the Congress. You have not done so. And then all
25 additional expenditures after that are also required to be

1 reported, and we haven't had a report on that either.

2 Let me ask about this behavior with the sirens around

3 town. You know, we've heard of your protective detail. Eric

4 Weese told the *New York Times* that when traveling, you wanted

5 to use lights and sirens, which are supposed to be reserved for

6 emergencies because you often ran late. And he said that 2

7 weeks after he protested and tried to stop the practice, he was

8 removed from his position.

9 Let's get the record straight. Did your security detail

10 use sirens while you were in the car for nonemergencies? Yes

11 or no.

12 Mr. Pruitt: And let's do this --

13 Senator Udall: Yes or no.

14 Mr. Pruitt [continuing]: There are policies in place that

15 governs the use of lights. Those policies were followed to the

16 best of my knowledge by each of the agents that serve me.

17 Senator Udall: Did -- okay. Here we go.

18 [Laughter.]

19 Senator Udall: There have been reports that you

20 encouraged the use of lights and sirens on your motorcade even

21 though there wasn't an emergency. Is that true?

22 Mr. Pruitt: I don't recall that. I don't recall that

23 happening, Ranking Member Udall.

24 Senator Udall: You went shopping --

25 Mr. Pruitt: And there are policies --

1 Senator Udall [continuing]: You went -- you also --

2 Mr. Pruitt: There are policies that the Agency follows,

3 the agents follow, and to my knowledge, they followed it in all

4 instances.

5 Senator Udall: Well, and you personally requested that

6 the sirens and the flashing lights occur, is that right?

7 Mr. Pruitt: I think I just indicated that the Agency has

8 followed those policies to the best of my knowledge, and that's

9 what --

10 Senator Udall: You personally requested that on a number

11 of trips.

12 Mr. Pruitt: Ex. 5 Deliberative Process (DP) don't recall that.

13 Senator Udall: Yes. Well, I'm going to submit for the

14 record, Madam Chair, an email that was released this morning by

15 your Pasquale Perrotta. He sent an email, and he says, By the

16 way, Administrator Pruitt encourages the use. So I'd like to

17 submit that for the record.

18 Senator Murkowski: That will be included as part of the

19 record.

20 [The information follows:]

21 **INSERT PASQUALE PERROTTA EMAIL**

22 Senator Udall: Thank you. Thank you, Madam Chair.

23 Ex. 5 Deliberative Process (DP)

24 Senator Hyde-Smith: Chairwoman Murkowski, thank you for

25 convening this important hearing to review the Environmental

1 year period. Mississippi constituents are very encouraged by
2 the EPA's plan for action.
3 Will you please elaborate or share your thoughts on the
4 positive impacts for the Superfund effort you will have on the
5 Mississippi Gulf Coast, citizens, and ecosystem should the
6 cleanup go as planned?
7 Mr. Pruitt: Senator, thank you for your comments and the
8 question. The mayor actually was in town at the time that we
9 did that, and, as you indicated, we added the site to the list
10 in January of 2018. I think the Superfund impact, the approach
11 we're taking to making sure that we prioritize action and get
12 results, sometimes from an early remediation perspective, is
13 making a substantial difference. And I think this site is an
14 example of that.
15 It's also exemplary, I think, of how we should be
16 partnering with those at the local level. What we have -- what
17 we have endeavored to do is work with mayors in the localities
18 of where these sites are located, along with Governors, and
19 make sure that our program, both at the Federal -- in
20 Washington, but also in the region, are trying to find answers
21 with those partners. And I think, again, this is demonstrative
22 of that.
Ex. 5 Deliberative Process (DP)
23 Senator Hyde-Smith: Does EPA's budget request for fiscal
24 year 2019 include adequate resources for EPA to carry out its
25 Action Memorandum?

1 Mr. Pruitt: Well, I think the omnibus that was just
2 adopted increased Superfund allocation, which is helpful. As
3 you know, there are a series of orphan sites that make up our
4 Superfund portfolio, sites meaning that there is no responsible
5 party. Now, they are the minority of sites, but they are very
6 expensive, and we have to use resources, obviously, of the
7 Agency to achieve that.
8 So I think a continued emphasis on funding and the budget
9 with respect to Superfund is very, very important to address
10 those orphan sites. But the other aspect that we're taking,
11 another approach we're taking, is to get accountability with
12 those responsible parties to make sure that the companies that
13 have polluted the sites are held accountable and that they
14 actually pay for remediation in a timely fashion.
15 So I think both are very important, both funding from a
16 Federal level, but also the accountability through the
17 enforcement process.

Ex. 5 Deliberative Process (DP)

18 Senator Hyde-Smith: Thank you. And also the previous
19 administrations have made the process of pesticide
20 registrations less predictable, and the sound science that has
21 traditionally supported a risk-based approach to regulating
22 pesticides has given way to politics and emotions. As a former
23 commissioner of agriculture for our State, this is very
24 important to us, that farmers in Mississippi and throughout the
25 Southeast rely heavily on pesticide products to protect the

1 investment they make every year to provide food and fiber to
2 the world.
3 I would like to personally thank you, Mr. Administrator,
4 for visiting Mississippi and several small farms last year in
5 the fall. I further commend your leadership at EPA in
6 resetting the intent for the Federal Insecticide, Fungicide,
7 and Rodenticide Act's risk-based approach to regulating
8 pesticides and reestablishing a predictable regulatory process
9 for the registration of these very critical products to farmers
10 and ranchers and everyone else. You've brought true
11 commonsense policy to the Agency, and I look forward to working
12 more with you in the future as we're enjoying this leadership.
13 I was interested to see your announcement this week
14 establishing the new Office of Continuous Improvement at EPA.
15 Will this new Agency-wide effort to improve the time it takes
16 EPA to complete many of its core functions benefit pesticide
17 registration and the overall regulation of important
18 agricultural products?
19 Mr. Pruitt: Yes. I mean, that's actually the focus,
20 Senator, of the Office of Continuous Improvement. There are
21 many statutory deadlines that Congress imposes upon the Agency,
22 whether it's a NAAQS review process or the 15-year cycle on
23 pesticides, and routinely those -- those statutory time periods
24 are not complied with. And we didn't keep track of it before.
25 So whether it's permitting, as I indicated, the time

1 between the violation and enforcement, actually fixing the
2 violation, this issue of statutory deadlines, those were not
3 tracked, nor was there accountability in those areas. So the
4 Office of Continuous Improvement is set up to address each of
5 those, and also to actually establish metrics and objectives.
6 We spent some time last year, the third and fourth
7 quarter, talking to each of our program offices and had them
8 identify on air attainment, as an example, under NAAQS. What
9 is the objective that they want to achieve in the next 3- to 5-
10 year period in actually setting those goals in place and
11 tracking those on a daily basis?
12 So I'm very encouraged by that process, and I'm hopeful
13 that it will yield results as we go forward.

Ex. 5 Deliberative Process (DP)

14 Senator Hyde-Smith: And one other is, What are some other
15 key areas under EPA's jurisdiction in which this new office
16 will streamline and improve the regulatory process?
17 Mr. Pruitt: Well, I mentioned permitting. We didn't even
18 track the time period it took to grant or deny permits before
19 we arrived. And we marshaled that data together last year.
20 And I know this will not be terribly surprising to Members of
21 the subcommittee, but it takes us a while to get to that
22 permitting process. And we are setting goals and objectives to
23 actually finish that within a certain time period, and by the
24 end of 2018, we will have processes in place to ensure
25 decisions are made within 6 months on the permits that we --

1 that we review.

2 Senator Hyde-Smith: Very refreshing. Thank you very

3 much.

4 Senator Murkowski: Thank you, Senator.

5 Senator Tester.

Ex. 5 Deliberative Process (DP)

6 Senator Tester: Thank you, Madam Chair and Ranking Member

7 Udall.

8 Thank you for being here, Administrator Pruitt. I want to

9 talk a little bit about a few parochial issues for me.

10 Last year, you committed to working with Superfund

11 communities in Montana, increase transparency, and solicit

12 additional public input. I applaud that. I am glad to hear

13 that EPA and BP-ARCO are finally moving forward with a

14 framework agreement to cleaning up Butte, and hopefully can

15 move forward soon with Anaconda. But due to court orders

16 sealing consent decree negotiations, the people in these

17 communities don't know the broad scopes of what the cleanup is

18 going to look like, so the transparency hasn't happened, and

19 the public input hasn't happened. Are you willing to ask the

20 court permission to share at least an overview of the proposed

21 cleanup actions with the public?

22 Mr. Pruitt: Absolutely. And, Senator, if I might, with

23 respect to Butte particularly, I think we -- I think there --

24 with the January action this year, as you know, there is some

25 delisting that's occurring, and we're making progress, but

1 there's work left to be done --

2 Senator Tester: Yes. Okay.

3 Mr. Pruitt [continuing]: But I'm encouraged where we are.

4 Senator Tester: One of the key things is, is that the

5 Butte community, and the Anaconda community also to an extent,

6 have not had input on this. The stuff has been done, sealed

7 up, secret, nontransparent at all. You will ask the court for

8 permission to open that up and you will share it with the

9 public?

10 Mr. Pruitt: Justice would have to do that, so we would

11 have to work through Justice to achieve that, but we will make

12 that request. And -- but -- but let me say this as well, we've

13 had people on the ground, as you know, in Butte and other

14 places soliciting and trying to get comments. So we don't --

15 Senator Tester: Yes. Yes. I got it, but do you

16 understand? I mean, this has been going on for a long, long

17 time in Butte --

18 Mr. Pruitt: I know.

19 Senator Tester [continuing]: In the community. And I

20 think you agree, by your statements last year. I just want to

21 make sure we follow up and do that. The community needs to

22 have input, so they need to know what's going on. They can't

23 -- they can give input, but it's like -- you know what I mean?

24 You've got to know what's going on with the decrees in order to

25 be able to give adequate input on how to move forward. And

1 that's all I'm asking for you --

2 Mr. Pruitt: It's been a point -- absolutely. It's been a

3 point of emphasis in each of these areas that we have focused

4 upon, the community involvement is --

5 Senator Tester: Yes. And with that goes the opportunity

6 to potentially listen to that input and change those decrees to

7 meet the needs of the community.

8 Mr. Pruitt: As we negotiate the enforcement, yes.

Ex. 5 Deliberative Process (DP)

9 Senator Tester: Okay. The OIG September report -- thank

10 you for that -- the OIG September report on Superfund staffing

11 issues cited that a lack of even remedial investigations on the

12 West Side Soils Operable Unit in Butte is a prime example of

13 how understaffing can delay efforts for decades. We don't even

14 know if people and water are at risk, but we know, at least we

15 think we know, that there is arsenic, cadmium, copper, lead,

16 zinc. You know all the impacts of that. This is a human

17 health and safety issue that's been in place for decades on one

18 of the largest Superfund sites in the Nation there in Butte, a

19 site that EPA has recently flagged for immediate intense

20 action, your Agency, and yet there is still only one employee

21 on the ground there on the site. And I understand in between

22 him and your regional director, they're working to engage

23 people on the ground to get the ball rolling, but haven't given

24 them any additional resources or staff to get that ball

25 rolling.

1 Now, how are these sites going to get cleaned up? Even
2 high-priority sites like Butte, which have real threats to
3 human health and water, if they can't get the resources they
4 need for even basic risk assessment?
5 Mr. Pruitt: Yes. So we have sent individuals from
6 headquarters here and also the region to engage with Butte,
7 and I made the comment in response to the question just a
8 minute ago.
9 Senator Tester: Yes.
10 Mr. Pruitt: I mean, the funding from Congress with
11 respect to Superfund is important.
12 Senator Tester: Yes.
13 Mr. Pruitt: It's something that we want to encourage
14 increasing. I'm thankful that in the omnibus that that was
15 increased --
16 Senator Tester: Yes.
17 Mr. Pruitt [continuing]: But those monies, Senator,
18 largely go through -- go toward those orphan sites that don't
19 have a responsible party. So the personnel side of things, we
20 will work with the regions to achieve better coordination to
21 make sure there's an allocation of resources to address these
22 high-priority areas. I think what you're referencing is the
23 administrator's list that put Butte on.
24 Senator Tester: Yes.
25 Mr. Pruitt: And so it is absolutely a point of emphasis

1 Mr. Pruitt: Sometimes I'm not as persuasive as I want to
2 be with OMB.
Ex. 5 Deliberative Process (DP)
3 Senator Tester: Okay. All right. I pick up what you're
4 laying down. Okay. Thank you.
5 The community of Libby has struggled with asbestos, the
6 highest rate of asbestos-related diseases -- yes, go ahead.
7 Mr. Pruitt: But it is important, Senator, with respect to
8 these levels of funding for things like Superfund.
9 Senator Tester: Yes.
10 Mr. Pruitt: ~~I mean,~~ leadership -- leadership of this
11 program is important --
12 Senator Tester: Yes.
13 Mr. Pruitt [continuing]: Funding is equally important,
14 and focusing on getting results. And what's happened for a
15 number of years, the reason we have a Butte situation is a lack
16 of awareness, our leadership, and accountability to achieve
17 outcomes. So we are committed to making sure that's happening.
18 Senator Tester: There are plenty of things in this EPA
19 under your administration that I could be critical of, trust
20 me, but you have made a commitment to clean up Superfund sites.
21 We happen to have three of them in the State of Montana. I
22 just want to make sure that we get on the same page and
23 actually work together to clean those Superfund sites up.
24 Because I agree with you on that, and I think it's really,
25 really important. But talk is cheap, and people and resources

1 are important because these things don't go away unless we
2 spend what we need, whether it's in manpower or whether it's in
3 actual dollars, to get them cleaned up.
4 Mr. Pruitt: I agree.
5 Senator Tester: So I thank you for that.
6 Mr. Pruitt: Action and results matter.
7 Senator Tester: You better believe it. It does.
8 Mr. Pruitt: Yes.
9 Senator Tester: Thank you. I will put the asbestos
10 question for the record because I'm out of time. Thank you.
11 Senator Murkowski: Thank you, Senator Tester.
12 Senator Capito:
Ex. 5 Deliberative Process (DP)
13 Senator Capito: Thank you, Madam Chair.
14 And thank you, Administrator, for being here today.
15 I want to kind of set the scene. You and I have talked
16 about what happened to the State of West Virginia over the last
17 8 years in Appalachia, as a general region. But now our
18 unemployment rate is lower, our GDP growth is some of the
19 fastest in the country, and I think a lot of that is increased
20 productivity, and though we have a lot more work to do, I think
21 some of the good work that you are doing to take the regulatory
22 boot off of American workers is certainly appreciated where I
23 live.
24 I want to ask you about the Clean Power Plan. That
25 regulation, I think, had potential, some very downside risk,

1 for the State of West Virginia. You did host a public meeting
2 in our State over a 2-day period. I appreciate that. It's the
3 first time the EPA has held an open meeting in our State for a
4 very long time. And I'd like to know, given what I've
5 described as West Virginia's present economic situation, you
6 know, recovering, what -- can you provide us with an update on
7 your plans to replace the Clean Power Plan and how you intend
8 to incorporate that public input that you've received from
9 different stakeholders?
10 Mr. Pruitt: Well, Senator, we'll approach the public
11 input much like we did with respect to the discussion around
12 the Clean Power Plan. It's important that we hear from
13 stakeholders. We were not only in West Virginia, we were in
14 other places across the country, Wyoming, as I recall, and
15 California as well. And so that process will continue. We
16 actually have an advance notice of proposed rulemaking out in
17 the marketplace soliciting comment and input on the potential
18 replacement to the Clean Power Plan.
19 So we actually have a two-step process going on. One is
20 the repeal, rescission of the Clean Power Plan is a proposal,
21 and then also a consideration of what replacements would occur.
22 And that will be a very -- that will be a rulemaking process,
23 it will be a collaborative process, and it will be a stakeholder
24 process. We will hear from folks across the country on that
25 very issue.

1 Senator Capito: Do you have any idea of what the timing
2 of that might be?
3 Mr. Pruitt: We anticipate that in 2018.
4 Senator Capito: Thank you.
5 Mr. Pruitt: All of that occurring in 2018.
6 Senator Capito: Okay.
7 Mr. Pruitt: And I think it's important, it's really --
8 with respect to the Clean Power Plan specifically, with the
9 U.S. Supreme Court stay against the Clean Power Plan, it
10 obviously never went into existence.
11 Senator Capito: Right.
12 Mr. Pruitt: And largely the reason it didn't go into
13 existence is because the Agency tried at least twice to
14 regulate these -- the GHG under the Section 111 Clean Air Act
15 and it's questionable what authority exists, which is why we're
16 soliciting comment in the marketplace on the extent of our
17 authority.

Ex. 5 Deliberative Process (DP)

18 Senator Capito: Thank you for that. As you know, two
19 communities in West Virginia, Parkersburg and Martinsburg, have
20 been particularly impacted by the releases of perfluorinated
21 compounds into the environment. In recent days, there have
22 been press reports that the release of an HHS study into the
23 risks associated and safe maximum exposure limits of these
24 chemicals has been delayed by stakeholder agencies over staff
25 concerns that its findings may pose a public relations

1 challenge or demonstrate that in some cases the Federal
2 Government has an obligation to assist with remediation.
3 We have a real vested interest in this, and I want to give
4 you -- I want to hear your view on this. This is something
5 that for those of us who are most directly impacted, we've
6 already had a drinking water incident in my hometown that was
7 very devastating several years ago with a chemical release.
8 Could you talk about this, please?
9 Mr. Pruitt: Yes. And, Ranking Member Udall, I think this
10 may have been something that you made reference to as well.
11 And so I want to make sure that I provide clarity on this issue
12 with respect to Perfluorooctane sulfonate (PFOS) and
13 Perfluorooctanoic acid (PFOA). We actually have a stakeholder
14 meeting, a summit, that's occurring next week with over 200
15 participants -- State, Federal, interagency focus -- on
16 addressing both PFOA, PFOS, and GenX.
17 And as you know, we have a health advisory with respect to
18 PFOA and PFOS, but we don't have a maximum contaminant level
19 (MCL), Ex. 5 Deliberative Process (DP) we haven't taken action with
20 respect to 107 under the Comprehensive Environmental Response,
21 Compensation, and Liability Act of 1980 (CERCLA), where it
22 would be a hazardous substance that would allow us to go in and
23 require cleanup by responsible parties. So that's something
24 that I am considering we'll discuss at that summit next week
25 with those stakeholders. We need to take more concrete action

1 with respect to PFOA and PFOS.

2 Ex. 5 Deliberative Process (DP) we'll have toxicity standards established

3 this summer with respect to GenX, which is a Ex. 5 Deliberative Process (DP)

4 subsequent iteration of PFOA and PFOS. PFOA and PFOS have not

5 been in the marketplace since the early 2000s, but,

6 nonetheless, we need to take concrete steps, perhaps establish

7 an MCL, perhaps listing it as a hazardous substance under 107,

8 and doing more than just simply having a health advisory with

9 respect to PFOA and PFOS.

10 Senator Capito: So what is your response -- and that is

11 good news, and I'm glad that's ongoing. Obviously, that's

12 ongoing before these press reports came out about this HHS

13 report. What is your response to the question on this report?

14 Will it be published? Will we see it before your stakeholder

15 meeting next week?

16 Mr. Pruitt: Well, again, Ex. 5 Deliberative Process (DP) HHS is a

17 participant in that -- in that summit next week. And I was not

18 aware that there have been some holding back of the report. I

19 think it's important to have all information in the marketplace

20 as we evaluate this.

21 Senator Capito: Absolutely.

22 Mr. Pruitt: What's most important to me is not just

23 studies. I mean, as you know, I think the health advisory is

24 70 parts per trillion --

25 Senator Capito: Right.

1 Mr. Pruitt [continuing]: Which is a very strong standard.
2 But we need to make sure that if there's an MCL, maximum
3 contaminant level, or a 107 approach, that it's based on a
4 record, and that's what we would proceed post the summit next
5 week. So --but as far as information, we need more
6 information, not less, and we need to take concrete action to
7 address these things.
8 Senator Capito: Well, I think you're in a position to
9 really -- with your strong statement here today, to encourage
10 this information to come forward to see, and then look at it in
11 the larger context of your meeting for next week. And I
12 appreciate the fact that you are trying to reach the scientific
13 limit that would impact any kind of -- any kind of health
14 impacts in our areas, regardless of who has to remediate and
15 what the remediation costs are going to be.
16 Mr. Pruitt: This issue is Ex. 5 Deliberative Process (DP)
17 different. But from the Superfund discussion that we just had
18 with Senator Tester, there has been a lot of discussion about
19 PFOA and PFOS for a number of years, but not much action. And
20 there needs to be concrete action taken by the respective
21 agencies to address it. And I think the two most important
22 that we need to evaluate is the setting of an MCL and also a
23 107 listing under CERCLA to focus on remediation.
24 Senator Capito: Thank you.
25 Senator Murkowski: Thank you, Senator Capito.

1 Senator Van Hollen.

2 Senator Van Hollen: Thank you, Madam Chairman.

3 Welcome, Mr. Administrator.

4 Mr. Pruitt: Thank you, Senator.

5 Senator Van Hollen: And you're right. In your testimony,
6 you indicated that there were some policy positions that you've
7 taken that have stirred lots of controversy. And I believe
8 that a lot of the positions you've taken are contrary to the
9 mission and mandate of EPA to protect the public health and
10 protect our environment. You take a look at your budget,
11 proposes massive cuts to the Chesapeake Bay program from 73
12 million a year, which has been a bipartisan commitment, to one-
13 tenth of that amount in your budget. There's no way we can
14 meet the health and environmental protection needs of the bay
15 with that kind of budget.

16 But this morning I don't want to focus on those issues
17 because there are sort of a higher duty in a sense. Regardless
18 of our positions on issues, we have a duty to uphold the public
19 trust and protect the taxpayer dollar. You agree with that,
20 don't you?

21 Mr. Pruitt: I do.

Ex. 5 Deliberative Process (DP)

22 Senator Van Hollen: And the reality is that there are
23 strong policy differences with lots of agency heads. I mean, I
24 disagree with the positions taken by now Secretary Pompeo when
25 he was the Director of Intelligence. But you are the only

1 agency head, to my knowledge, to have anything close to whether
2 it's 11 ongoing investigations or 16 investigations at the
3 Federal level. And so when you responded to Senator
4 Murkowski's question about, you know, giving you an opportunity
5 to respond, and you started by saying, well, your taking on a
6 lot of these tough issues and these allegations of violation of
7 public trust are really primarily in response to that, I really
8 don't think you're taking this issue of public trust seriously.
9 Here's my question, With about 11 or 16 pending
10 investigations, whatever it is, there have been reports that
11 you intend to establish a legal defense fund. Is that true?
12 Mr. Pruitt: I understand that that's being set up, yes.
13 Senator Van Hollen: Okay. So you're in the process of
14 setting that up.
15 Mr. Pruitt: It's Ex. 5 Deliberative Process (DP) been set up.
16 Senator Van Hollen: Okay. So I want to make sure that
17 however that works, you're not subject to more allegations or
18 complaints that you are violating the public trust. So I have
19 a question --
20 Mr. Pruitt: If I might there --
21 Senator Van Hollen: Yes.
22 Mr. Pruitt [continuing]: We've actually worked with GAO.
23 My attorney here, who has done this for a number of years, has
24 worked with GAO to --
25 Senator Van Hollen: Okay.

1 Mr. Pruitt [continuing]: To make sure that it's done
2 properly and that's --
3 Senator Van Hollen: Just a couple questions on the -- or
4 the commitments you can make today.
5 Will all donations to that defense fund be public?
6 Mr. Pruitt: They will be published, yes.
7 Senator Van Hollen: Public.
8 Mr. Pruitt: Pursuant to the requirements of -- of -- of
9 disclosures, yes.
10 Senator Van Hollen: Will you commit today to not accept
11 any donations from lobbyists or corporations that have business
12 before the EPA?
13 Mr. Pruitt: Absolutely. Yes.
14 Senator Van Hollen: Okay. Will you agree not to accept
15 anonymous donations?
16 Mr. Pruitt: Let me clarify, I don't -- I don't accept
17 donations. I don't solicit --
18 Senator Van Hollen: Well, let me ask you this. Okay. So
19 let me ask this.
20 Mr. Pruitt [continuing]: Donations. That's done by
21 attorneys and others outside --
22 Senator Van Hollen: Let me ask you this: Will you print
23 on the, you know, structure of your legal defense fund, the
24 rules, will you make it clear that you will not accept
25 anonymous donations? The Office of Legal Counsel at the White

1 House, as you know, recommends strongly against any of these
2 legal defense funds having anonymous donations. I'm asking if
3 you will -- as part of the rules of your legal defense fund,
4 you will say that you're not going to accept anonymous
5 donations.
6 Mr. Pruitt: Whatever the discussions with GAO, White
7 House Counsel's Office yields in that regard, we will follow.
8 Senator Van Hollen: So will you accept the recommendation
9 of the White House Office of Legal Counsel with respect to the
10 trust fund?
11 Mr. Pruitt: They already are.
12 Senator Van Hollen: Okay.
13 Mr. Pruitt: Yes.
Ex. 5 Deliberative Process (DP)
14 Senator Van Hollen: Well, then you won't be accepting
15 anonymous donations, or the rules won't allow that.
16 Now, what's also troubled me, Mr. Administrator, is this
17 sort of pattern of information that comes to light about
18 violations of the public trust or misuse of taxpayer dollars,
19 and then sort of your finger-pointing at others in the Agency,
20 it was really their fault. Mr. Udall asked you about a tweet,
21 if the tweet was you, somebody else did it. I understand that.
22 But here's a recent, you know, headline about the large salary
23 increases you gave to some of your top people. Headline,
24 "Government Executive Pruitt and Chief of Staff Personally
25 Approved Pay Raises of Up to 72 Percent for Top Aides, IG

1 Senator Van Hollen: "The EPA Office of Criminal
2 Enforcement, Forensics and Training has informed the OIG that
3 EPA's Protective Service detail began providing 24/7 coverage
4 of the Administrator the first day he arrived at the EPA. The
5 decision was made by the Office of Criminal Enforcement,
6 Forensics and Training after being informed that Mr. Pruitt
7 recommended 24/7 protection once he was confirmed back in
8 February." Is that true? Didn't you request it once you were
9 -- right when you were --
10 Mr. Pruitt: I was aware of communications taking place.
11 I was not at the Agency at the time. Ex. 5 Deliberative Process (DP) that was
12 before confirmation. And the decision to provide 24/7 security
13 was made, as indicated by this report, by law enforcement
14 career officials at the Agency.
15 Senator Van Hollen: Yes. Mr. Pruitt, what this letter
16 says, the plain language of this letter, I read it, was that
17 you requested it. And there have been lots of hearings, as the
18 Chairman and Ranking Member now, in the House, in the Senate,
19 where you've been pointing to an August 2017 report, document,
20 by the Inspector General, which they make very clear was not a
21 threat assessment, but that it was a report, you've been
22 pointing to that as justification --
23 Mr. Pruitt: That's not the case --
24 Senator Van Hollen [continuing]: For this increased -- in
25 this 24/7 security --

1 Mr. Pruitt: That's not the case.

2 Senator Van Hollen [continuing]: When, in fact, it turns

3 out you requested it the first day back in February --

4 Mr. Pruitt: You are mixing -- you're mixing issues here.

5 Senator Van Hollen: Okay.

6 Mr. Pruitt: The inspector general investigates threats.

7 The Protective Service detail provides threat assessment. And

8 so that's the distinction. And the Protective Service detail

9 at the Agency --

10 Senator Van Hollen: I'm not confused at all.

11 Mr. Pruitt [continuing]: Made the decision about the 24/7

12 coverage. The inspector general report you're talking about in

13 August is simply a compilation of threats --

14 Senator Van Hollen: Right.

15 Mr. Pruitt [continuing]: That exist at the time where

16 they're investigating the types of threats at that moment.

17 Senator Van Hollen: I'm not confused at all, Mr.

18 Administrator. The whole argument you made over time is that

19 you have faced all these additional threats when, in fact, it

20 turns out, at least according to this IG report, that you made

21 the request for 20/7 -- 24/7 security the first day that you

22 were in office. Is that true or not true?

23 Mr. Pruitt: I read --

24 Senator Murkowski: Senator, your time has expired well

25 over, so we will have an opportunity for a second round. Thank

1 you.

2 Senator Daines.

Ex. 5 Deliberative Process (DP)

3 Senator Daines: Mr. Pruitt, the EPA budget request

4 reflects your commitment to refocusing EPA on its core mission

5 to protect human health and to protect the environment.

6 Montana is home to the most expansive Superfund sites in the

7 country. I think it was shared earlier in this hearing that

8 Montana has three Superfund sites on the National Priority

9 List. We actually have 17 Superfund sites on the National

10 Priority List.

11 I want to thank you for the work that your EPA has done to

12 make real progress on Montana's sites. It's been a long time

13 coming, and I'm grateful for your heeding my call to do so.

14 One of our first meetings we had, you talked about refocusing

15 the EPA and starting to get back on a results focus instead of

16 an activity focus, and I thank you for that. But I'll tell

17 you, we've still got a lot of work to do.

18 I want to talk about Anaconda for a moment, which is just

19 -- it's near Butte. People hear a lot about Butte and then the

20 Superfund site there, but I want to talk about Anaconda first.

21 The local leadership and greater community of Anaconda have

22 requested that a health study be conducted to evaluate the

23 lasting impacts of the former smelter now turned Superfund

24 site. I understand the first steps are underway. My question

25 is, are you working with the Agency for Toxic Substances and

1 Disease Registry to seek appropriate public comments of the
2 health study?
3 Mr. Pruitt: Yes. In fact, we're working not only with
4 the Agency for Toxic Substances and Disease Registry (ATSDR),
5 but also the State of Montana in that regard. Ex. 5 Deliberative Process (DP)
6 Ex. 5 Deliberative Process (DP) here's been one community listening
7 session, and there are others that are going to occur. But
8 this is very important for this partnership. I mentioned
9 earlier to Senator Capito, I believe, that the local input, the
10 State input, and the Federal input, should be cohesive in
11 trying to determine the best path forward in these Superfund
12 sites, and I think this is demonstrative of that.
13 Senator Daines: Well, the communities want to be heard.
14 And I've also good feedback. We've had folks on the ground
15 that are listening to what the community has to say. My
16 follow-up question though is, When the results of that health
17 assessment be made public?
18 Mr. Pruitt: The listening session I show here occurred on
19 May 10th, and Ex. 5 Deliberative Process (DP) it's scheduled to be
20 completed in March of 2019.
21 Senator Daines: Okay.
22 Mr. Pruitt: Yes.
23 Senator Daines: Thank you. I think it's very important
24 that we have a commitment to that date.
25 What about the local Anaconda schools? I know the

1 Anaconda school district and the county have requested soil and
2 dust sampling. Could you provide an update on the EPA's
3 efforts to meet those demands?
4 Mr. Pruitt: Yes. The -- ARCO is actually conducting
5 ongoing sampling now through the spring with respect to those
6 school sites, and I think the results will be made available at
7 the end of the school year --
8 Senator Daines: Okay.
9 Mr. Pruitt [continuing]: As that -- as that sampling has
10 occurred. And Ex. 5 Deliberative Process (DP) y additional cleanups will be
11 conducted over the summer to address post the kids leaving
12 school.
Ex. 5 Deliberative Process (DP)
13 Senator Daines: So I appreciate your commitments and the
14 diligence regarding the Anaconda site. It's been a long time
15 coming. It's crucial that we put the health of Montanans first
16 in undertaking the site cleanup and -- and this is very
17 important -- we do this with the utmost transparency, and thank
18 you for that.
19 I want to shift gears now and talk about Butte. As you
20 know, the Atlantic Richfield Company (ARCO), EPA, and the State
21 and local leadership in Butte reached a conceptual agreement on
22 a consent decree to address future cleanup at the Silver Bow-
23 Butte area Superfund site. This was an important first step
24 toward a long-term remedy. What the residents of Butte want to
25 know is exactly what is in that agreement, and so do I, for

1 that matter.

2 I know that you committed earlier in this hearing that you

3 would work to lift that court gag order that is currently

4 keeping the agreement in the dark, and I want to thank you for

5 that commitment. But once the gag order is lifted, can I get

6 your assurance that your team will get to Butte quickly to take

7 community input on the details of that agreement?

8 Mr. Pruitt: Yes. And, in fact, we've had many members of

9 our team head to Butte, and in addition, with the regional

10 representation as well. Ex. 5 Deliberative Process (DP) can't

11 emphasize enough the importance of community stakeholders

12 having a voice in the process. We've got sites all over the

13 country where that process has been revived, and I think there

14 is much optimism with respect to stakeholders having more say

15 at the local level. And so that's something we're definitely

16 committed to and we'll make sure happens in Butte.

17 Senator Daines: So I'm encouraged by the responses, I'm

18 encouraged by the commitments. Having Montana input and local

19 input on the Superfund cleanup process is absolutely essential.

20 I want to also provide just some feedback from the troops

21 on the ground, Montanans, regarding your Region 8

22 Administrator, Doug Benevento. He's had a very proactive

23 approach to carrying out the mission of the EPA. He's building

24 relationships with local leaders, and he's working to address

25 the community concerns. There's still a lot of anxiety and

1 concern, because there's still a long path in front of us that
2 we've got to walk. But he's been a pleasure to work with. I
3 look forward to continue doing so with him and with you.
4 And I want to ask you, keep your eyes on Butte and
5 Anaconda as well as our other Superfund sites on the National
6 Priority List as we make additional headway in bringing these
7 Montana Superfund sites back to clean, productive reuse.
8 Mr. Pruitt: Yes, Doug is doing a great job. I appreciate
9 those comments. He's working diligently to bring these
10 stakeholders together, and we're seeing results, not only in
11 Montana, but across the region as a whole. And we will
12 definitely keep our eye on the ball.
13 Senator Daines: Thank you.

Ex. 5 Deliberative Process (DP)

14 Senator Murkowski: Thank you, Senator.
15 We will now being a second round here. And as the
16 Senators, both Senators, from Montana have asked you to keep an
17 eye on Butte and Anaconda, I'm going to ask you to keep an eye
18 on Fairbanks. We've had an opportunity again to speak to the
19 challenges that the Fairbanks North Star Borough has with
20 regards to meeting EPA air quality requirements. I've worked
21 hard to ensure that the borough was eligible to apply for a
22 grant under the Targeted Airshed Grant program. I was very
23 pleased that we were able to deliver good news with your help
24 to that community for additional resources to help them take
25 actions like a woodstove change-out that can have an impact, a

Ex. 5 Deliberative Process (DP)

1 important. And we have been working diligently internal to the
2 Air Office at the EPA to address these matters. I think at
3 some point it may just simply require rulemaking to address the
4 standards that have been set previously. And I've actually
5 been engaged in conversations with Bill Wehrum and others in
6 the office about steps and alternatives there.
7 But ultimately, we want certainty and clarity, and we want
8 to make sure that the standards that have been set are-- are
9 fair and that they actually achieve what they're supposed to
10 achieve, but also take into consideration the exceptional
11 circumstances that's represented by Fairbanks.
12 Senator Murkowski: Well, and I appreciate that
13 recognition, that we have to do -- we have to do more that
14 provides for that level of certainty. As you know, we were
15 able to include additional funding in the 2018 omnibus for the
16 Targeted Airshed Grant program. I would imagine that Fairbanks
17 would apply again, and hopefully they would be considered
18 favorably, given the situation there. But I appreciate kind of
19 the multipronged approach that you are taking to a very, very
20 serious challenge in this region.
21 Mr. Pruitt: I think the Airshed Grants, the Targeted
22 Grants, Ex. 5 Deliberative Process (DP) ere 4 million or so, if I recall correctly.
23 Senator Murkowski: Yes, 4 million to Fairbanks.
24 Mr. Pruitt: Okay. Yes. Both in 2017 and I think
25 recently in 2018.

Ex. 5 Deliberative Process (DP)

1 Senator Murkowski: Yes, which helps that community a
2 great deal.
3 Let me again speak to a more parochial issue as it relates
4 to us up north, and this is the diesel generators in our remote
5 villages. In the omnibus bill that we just passed, we included
6 language there that requires EPA to reexamine this regulation
7 related to diesel generators that are used to generate power in
8 our rural Alaskan communities. So many of our communities
9 unfortunately are still diesel-powered. We don't -- they don't
10 have access to any kind of a grid.
11 Under this regulation, the generators that are purchased
12 after model year 2014 have to have a diesel particulate filter
13 if they're going to use it as the primary power generator. And
14 the problem is, is that these filters have an extraordinarily
15 high failure rate, and even simple upgrades can be difficult.
16 That's compounded then with the fact that these upgrades can
17 only be done by specific technicians. These technicians don't
18 exist in these villages. And so it just -- it continues to
19 compound and complicate an issue.

Ex. 5 Deliberative Process (DP)

20 I know that we've just put this directive in place just
21 about a month ago, so I don't expect it to be complete at this
22 stage, but I do hope that you can provide me with a status on
23 the review, and, again, your commitment to helping us find a
24 workable solution for these remote Alaska microgrids in a
25 timely manner. I just received a communication from Tanana

Ex. 5 Deliberative Process (DP)

DIESEL GENERATORS

EPA's Air and Radiation Program is continuing to work with the Alaska Energy Authority to collect information and plans to begin the process of notice and comment rulemaking to address this concern.

1 Chiefs Conference, which is the Tribal organization leadership
2 in the region, and very specific to this point, outlining their
3 very immediate concerns and asking for that level of help.
4 Mr. Pruitt: Well, there's a categorical, as you
5 indicated, prohibition against any monies being used to address
6 or enforce the existing standards. So, I mean, what we're
7 committed to is working with the coalition locally to try to
8 find answers and make sure that we comply with the language
9 from the omnibus bill.
10 Senator Murkowski: Thank you.
11 Let me turn to Senator Udall.

Ex. 5 Deliberative Process (DP)

12 Senator Udall: Thank you, Madam Chair.
13 Mr. Administrator, Senator Van Hollen asked the question,
14 and he didn't get a yes-or-no answer, and that's all I'm asking
15 for here. Did you personally, on your first day, ask for 24/7
16 protection for yourself?
17 Mr. Pruitt: Personally, on the first day, the 24/7 had
18 been determined by the Criminal Enforcement office to provide.
19 So I did not --
20 Senator Udall: You did not personally request --
21 Mr. Pruitt: I did not direct that. I didn't direct that
22 on the first day.
23 Senator Udall: So your answer is no. Is --
24 Mr. Pruitt: My answer is I did not direct that on the
25 first day --

1 Senator Udall: Okay. Well, all the documents dispute
2 that, so --
3 Mr. Pruitt: That --- that --- Senator, if I may --- I mean,
4 if I ---
5 Senator Udall: No, no. It's just the documents dispute
6 that here. And the -- this is a statement, not a question.
7 But my understanding from the reporting on this is that you
8 have never had a security assessment to determine whether 24/7
9 was required, and that's been reported yesterday in the
10 *Washington Post*.
11 Now, when we sat in this room together in June of last
12 year, I asked you to confirm that you would respond to all
13 questions, including written correspondence, from both majority
14 and minority Members of this subcommittee as quickly as
15 possible, and your answer was, quote, Yes, without question.
16 Does that commitment still stand?
17 Mr. Pruitt: Yes.
18 Senator Udall: Now, why then have you still not answered
19 my April 4 letter and my May 9 follow-up letter requesting
20 information related to your condo rental here in DC?
21 Mr. Pruitt: I'll check. But I want to --
22 Senator Udall: Will you respond to my two letters?
23 Mr. Pruitt: Senator, I want --- I really want to read
24 specifically from the section that you made reference to a
25 minute ago because it's important that --- that there's clarity

1 around this issue on 24/7. The OIG, in the letter to the
2 Senate --
3 Senator Udall: We have all the documents, sir.
4 Mr. Pruitt: I understand, but it's important --
5 Senator Udall: We have all the documents. I did --
6 Mr. Pruitt: It's important that I -- that I -- the Office
7 of Criminal Enforcement began providing 24/7 coverage, and the
8 decision was made by the Office of Criminal Enforcement.
9 Senator Udall: I -- I understand that.
10 Mr. Pruitt: That was done prior to my arrival at the EPA.
11 Senator Udall: I understand that. I have limited time.
12 We'll put all the documents in the record, and you can make
13 your arguments to the --
14 Senator Murkowski: We will include the documents --
15 Senator Udall: Yes, all the documents --
16 Senator Murkowski [continuing]: That you are seeking to
17 read. Administrator, in the record.

Ex. 5 Deliberative Process (DP)

18 Senator Udall: Senator Van Hollen has all the documents.
19 We'll put them all into the record. I have several of them
20 right here. And thank you, Madam Chair, for that.
21 [The information follows:]

22 Ex. 5 Deliberative Process (DP)

23 On this condo, I want to ask you, Are you going to respond
24 to my letters? Do you see a conflict of interest in accepting
25 a pretty good housing deal from a lobbyist couple that has

1 business before the EPA?

2 Mr. Pruitt: Senator, the ethics officials at the Agency

3 actually -- actually performed two ethics reviews saying that

4 the lease terms are consistent with comparable rates in the

5 marketplace. So -- so -- now, at the time --

6 Senator Udall: That was done after the fact.

7 Mr. Pruitt: It was, but Steve Hart is someone that was

8 not registered as a lobbyist in 2017. He's a long-time

9 associated friend, and -- and -- and before --

10 Senator Udall: No, no, no. Okay, well, let's just stop

11 there. Steve -- if Steve Hart was not registered as a

12 lobbyist, here's his firm. Here's his firm, email, answer to

13 question, Williams & Jensen told the Hill in an email, quote,

14 An independent review of the firm's lobbying activity in

15 advance of the quarterly filing deadline concluded that Mr.

16 Hart had lobbying contact with the Environmental Protection

17 Agency in the first quarter of 2018, period, end quote.

18 Mr. Pruitt: And the period in question --

19 Senator Udall: Now, do you think -- do you think that's

20 acceptable to have this individual, Mr. Hart, who's a lobbyist,

21 and then you rent a room from him at a pretty good deal, yes or

22 no? It's a simple question.

23 Mr. Pruitt: The filing that you're referring to was for

24 the first quarter of 2018, and it was for the firm, and Mr.

25 Hart was not listed on that disclosure.

Ex. 5 Deliberative Process (DP)

1 Senator Udall: Well, Mr. Hart was a lobbyist, and you
2 rented a room from him, and you had issues pending before your
3 Agency at the time that Hart's firm were working on, which is,
4 to me, that is the exact swamp that President Trump was trying
5 to get rid of. And all of these questions I've been asking
6 about is this swampy behavior that's going on here. I mean,
7 consistently over and over and over again, whether it's sirens,
8 whether it's, you know, perks for you and your friends, for
9 your staff.
10 Let me move here to your -- it's been reported that a
11 member of your staff, one who got a 33 percent raise to over
12 $114,000 earlier this year, house hunted for you during work
13 hours. This would be a violation of Federal rules as well as a
14 misuse of taxpayer dollars. Did your staff contact realtors
15 and arrange tours for you during working hours, yes or no?
16 It's a simple question.
17 Mr. Pruitt: It's my understanding that all activity there
18 was on personal time.
19 Senator Udall: Yes or no, sir? Yes or no?
20 Mr. Pruitt: As I indicated, it's my understanding that
21 all activity there was on personal time. ~~And~~ the individual
22 that you're referring to is a long-time friend of my wife and
23 myself --
24 Senator Udall: So did you --
25 Mr. Pruitt [continuing]: And to link ~~-- to link~~ any type

1 of review --

2 Senator Udall: Did you --

3 Mr. Pruitt [continuing]: On a pay increase is just simply

4 not substantiated.

5 Senator Udall: Well, it --

6 Mr. Pruitt: It's just not -- it's not related at all.

7 Senator Udall: Let me -- let me -- you know, you're an

8 attorney general, were an attorney general, you're a law

9 enforcement official. The Code of Federal Regulations (CFR)

10 prohibits directing a subordinate to do personal work for you.

11 And if they volunteer, that is a gift. Services must be paid

12 for at fair market value. So it doesn't cut it that they're a

13 friend or that kind of thing. Did you pay them at the time for

14 doing that work?

15 Mr. Pruitt: All activity that I'm aware of that was

16 engaged in by the individual you're speaking about --

17 Senator Udall: Yes.

18 Mr. Pruitt [continuing]: Occurred in personal time.

19 Senator Udall: And did you pay them for it?

20 Mr. Pruitt: No, I did not.

Ex. 5 Deliberative Process (DP)

21 Senator Udall: Then that's a gift. That's in violation

22 of Federal law.

23 Now, Mr. Pruitt, regarding Samantha Dravis, your former

24 Director of your Office of Policy. The Inspector General is

25 now investigating if Ms. Dravis came to the office most or all

1 of the months of November, December, and January. Until she
2 resigned last month, she was your director of your Office of
3 Policy, your top policy adviser, was she not, yes or no?
4 Mr. Pruitt: Yes, she was the head of Policy at the EPA.
5 Senator Udall: Ys. And you don't -- you know, we up
6 here, we try to make sure these people come to work. Were you
7 making sure that she came --
8 Mr. Pruitt: We do as well.
9 Senator Udall [continuing]: To work for 3 months?
10 Mr. Pruitt: In fact, Ex. 5 Deliberative Process (DP) interacted with her multiple times
11 through that process.
12 Senator Udall: Those 3 months: November, December, and
13 January --
14 Mr. Pruitt: The schedule was --
15 Senator Udall [continuing]: She was in work.
16 Mr. Pruitt: The schedule shows that she was attending
17 meetings, not just with me, but others in the Agency.
18 Senator Udall: And she was -- she worked the whole time.
19 That's your testimony.
20 Mr. Pruitt: No, that's not what I said, Senator.
21 Senator Udall: Well, did she --
22 Mr. Pruitt: I said I interacted with her during that
23 time --
24 Senator Udall: Yes. Did she --
25 Mr. Pruitt [continuing]: Timeframe, and she was providing

1 other services during that timeframe as well.

2 Senator Udall: Sir, during the months of November,

3 December, and January, was she working for you?

4 Mr. Pruitt: She was employed at the Agency, and there's a

5 review of that process ongoing, and the record will bear that

6 out.

7 Senator Udall: Well, thank you, Madam Chair. My time is

8 up.

9 Senator Murkowski: Thank you, Senator Udall.

10 Senator Van Hollen:

Ex. 5 Deliberative Process (DP)

11 Senator Van Hollen: Thank you, Madam Chair. I just want

12 to follow up on a few things, Mr. Administrator. One is, and

13 we will put the documents in the record, but it's very clear

14 what they say here. It says that the Office of Criminal

15 Enforcement, Forensics and Training -- let me back up -- the

16 decision, the decision to provide 24/7, was made by the Office

17 of Criminal Enforcement, Forensics and Training after being

18 informed that Mr. Pruitt requested 24/7 protection.

19 So I know you keep trying to say this says that it was

20 their idea. This says they made that decision after you

21 requested it.

22 Mr. Pruitt: I can -- I can only say, Senator, I did not

23 decide, direct, that decision to be made. That was made by the

24 Office of Criminal Enforcement.

25 Senator Van Hollen: Mr. Administrator, all I know is -

1 Mr. Pruitt: I was aware of the process taking place prior
2 to my arrival. You remember my confirmation process, Senator.
3 It was fairly -- fairly competitive and intense, and there was
4 an ongoing process.
5 Senator Van Hollen: I'm just -- I'm just reading. I'm
6 just -- we're all trying to figure out what the facts are here.
7 I'm simply reading --
8 Mr. Pruitt: And I am as well.
9 Senator Van Hollen [continuing]: From the IG report, and
10 the IG report says their decision was made after you requested
11 24/7 protection, not that it was made because they concluded
12 that there was a need for 24/7 protection.
13 Mr. Pruitt: The inspector general, in my view, was simply
14 trying to -- to clarify that they don't engage in assessments.
15 That's the Protective Service detail that does that. The
16 document that was referred to earlier -- I think Ranking Member
17 Udall mentioned it -- of August, that's just simply a snapshot
18 in time of the types of threats that were being investigated by
19 the Agency --
20 Senator Van Hollen: Right.
21 Mr. Pruitt [continuing]: With the death threats and the
22 rest. But it was not an assessment. No one ever said it was
23 an assessment.
24 Senator Van Hollen: Mr. Administrator, I'm not at all
25 confused between the fact that the IG's office is to document

1 things that have happened. It's not their job, obviously, to
2 prevent -- to prevent -- to present the threat assessment and
3 recommend what security. What the IG is saying is that when
4 they asked the folks who were responsible for providing
5 security, which is the Office of Criminal Enforcement,
6 Forensics and Training, that that office told them that they
7 provided you 24/7 protection after you requested it, not
8 because they did some assessment that justified the need for
9 24/7. So we'll put this document in the record. We can all
10 talk about it.
11 [The information follows:]
12 **INSERT IG REPORT**
13 Senator Van Hollen: I want to ask you about
14 allegations --
15 Mr. Pruitt: But ~~they~~ they're the individuals that made
16 the decision according to the same document you're referring
17 to.
18 Senator Van Hollen: They made the decision -- look if a
19 new Administrator comes in and says, "Hey, I want 24/7
20 protection," and they provide it, you're right. They --
21 Mr. Pruitt: That's not been my experience historically.
22 Senator Van Hollen: Well, that's what this says.
23 Mr. Pruitt: Yes.
Ex. 5 Deliberative Process (DP)
24 Senator Van Hollen: That's what this says. The
25 chronology here is that they made that decision after your

Ex. 5 Deliberative Process (DP)

1 Senator Van Hollen: Okay. So my question is that
2 suggestions have been made through your testimony that people
3 who have policy differences with you would be somehow motivated
4 to make more out of these things than is justified. This is
5 coming from somebody who strongly supports the President's
6 agenda, has no differences with you on the policy agenda. He
7 was on the Trump campaign. President Trump has given him a
8 shout-out. He says to this day that he supports the
9 President's agenda and doesn't have an issue with the policy
10 agenda you're pursuing. Do you have any reason why he would be
11 making these statements other than if they're truthful?
12 Mr. Pruitt: Well, I had limited interaction with Kevin.
13 In fact, the most interaction I had with him was in the field.
14 He was effectively the head of Advance, and I can say to you
15 that I'm not aware of any personnel decision being made with
16 respect to the person you're referring to with respect to any
17 policy issues or budget issues or spending issues. I just
18 simply didn't have that kind of interaction with Kevin.
19 Senator Van Hollen: And do you --
20 Mr. Pruitt: So I don't know what -- to what he's
21 referring to.
22 Senator Van Hollen: Well, okay, because he's got a lot in
23 here. I really urge the subcommittee to take a look at this.
24 And at the end of this letter there's a request for documents.
25 My question is, Will you provide the documents requested in

1 this April 12 --

2 Mr. Pruitt: I'm sure that's in process. ~~I'm sure that's~~

3 ~~in process.~~

4 Senator Van Hollen: Okay. So that's a yes?

5 Mr. Pruitt: Yes. ~~I'm -- yes.~~

Ex. 5 Deliberative Process (DP)

6 Senator Van Hollen: Thank you.

7 Mr. Pruitt: Yes.

8 Senator Van Hollen: Thank you, Madam.

9 Thank you, Administrator.

Ex. 5 Deliberative Process (DP)

10

11 Let me speak to you about some of the water programs,

12 again, areas that you and I have plenty of agreement on that

13 there is much work that needs to be done when it comes to aging

14 water infrastructure around the country and then in places like

15 rural Alaska, infrastructure for the very first time.

16 In the fiscal year 2018 omnibus, I included $20 million to

17 help small and disadvantaged communities obtain basic water and

18 sewer infrastructure. This is through the program that was

19 created a couple years ago, the WIIN Act, the Water

20 Infrastructure Improvement for the Nation Act. This is the

21 first time the program has received funding. So I'm curious to

22 know how long you anticipate -- what is it going to take for

23 you to get this program up and running? We are looking at it

24 as an opportunity, really an extraordinary opportunity, to help

25 facilitate a level of public safety that has been lacking for a

INSERT 77A

Response to April 12 Letter

EPA is conducting centralized searches for documents responsive to the April 12 request from Senators Carper and Whitehouse and Representatives Cummings, Connolly, and Beyer. We have delivered responsive documents on May 4, June 21, and July 16, and we expect to deliver additional documents to the committees as they become available.

long time. When you don't have clean drinking water, when you don't have sewer and wastewater systems, the disease that we deal with, all of the health conditions that we worry about, are greater amplified.

So can you give me a little sense as to how you anticipate moving forward with this program?

Mr. Pruitt: Well, let me say generally that rural communities, in addition to heavily dense urban markets, with respect to lead in our drinking water, that's the reason I mentioned that in my opening comments, that we need to be much more intentional about replacing those lead service lines across the country. ~~And~~ you've highlighted something that I think is often missed, which is those rural communities have as great a challenge, and sometimes not the resources, ~~you know, bonded --~~ bonding capacity or otherwise to address it.

So one of the things we're actually looking at is using a regionalization approach that will allow regional water systems to kind of band together to submit applications under WIFIA to achieve access to funds to help them in improving their -- their systems. So we're looking at a regionalization approach there. The 30 million that you referred to, we are earnestly setting up the process to implement that. There was also money put in the budget, as you know, for schools around I think it's 20 million, if I'm not mistaken, with respect to assessment there for schools and lead.

1 So it's very important, as part of this overall strategy,
2 that we implement that along with the WIFIA approach that I
3 made reference to earlier.
Ex. 5 Deliberative Process (DP)
4 Senator Murkowski: Well, let me ask you about WIFIA. Now
5 that that is fully staffed and loans are being issued, should
6 we expect kind of the rollout of these loans to happen
7 relatively quickly? We nearly doubled the size of the WIFIA
8 program, as I understand it. I don't know whether that means
9 that we need to look to additional staffing for that. What's
10 your assessment on the capabilities of the WIFIA program
11 itself?
12 Mr. Pruitt: Some of it is awareness, Chairman Murkowski,
13 in the sense that a lot of communities across the country just
14 simply aren't aware of the opportunity.
15 Senator Murkowski: Right.
16 Mr. Pruitt: And so I think there's an effort that we
17 should engage in, in fact, are engaging in, to work with
18 Governors and others to raise the level of awareness about the
19 opportunities around WIFIA. We just extended or are in the
20 process of extending the deadline for applications to the end
21 of July -- it was the beginning part of July -- because we
22 wanted to engage in an aggressive posture on trying to make
23 communities aware of the opportunities.
24 So I think it's -- the program is not nascent, it's not a
25 nascent situation, but it's early in its development, as you

1 know. And I think the Agency needs to do more to advance
2 awareness, and then to solicit the kind of applications that
3 will make a difference, you know, bundling together.
4 Indiana just submitted, as an example, an application that
5 impacted multiple communities in the State. It was a first of
6 its kind, and innovative. And we're trying to use that as an
7 example for the rest of the country to say these are the kind
8 of approaches we'd like to see to get more velocity as far as
9 investment in these water infrastructure systems.

Ex. 5 Deliberative Process (DP)

10 Senator Murkowski: Well, know that that's -- again,
11 that's an area that we really look forward to working with you
12 on, some pretty basic -- basic issues when you think about
13 clean water and, again, water and sanitation.
14 Small remote incinerators. You hear me talk about this
15 one a lot. Again, going back to the omnibus, we included a
16 provision to limit EPA's ability to enforce the regulation
17 related to the small remote incinerators that are used for the
18 solid waste disposal. And as I've explained this issue to
19 folks, that the application in so many parts of Alaska, you're
20 in very remote areas, almost always inaccessible by road, and
21 you don't have other options for solid waste disposal for the
22 most part.
23 The option that we have is you helicopter the solid waste
24 out. Well, if you're really looking to reduce your levels of
25 emissions, having helicopter flights to move either from your

1 remote mine site or an oil site, oil plat-- not platform, but
2 an oil drilling area, you know, you're defeating your purpose
3 here in terms of how you are monitoring your emissions.
4 So we included this language in the omnibus. We recognize
5 that it is not a permanent solution. We've had discussions
6 with you. I've raised it with the Assistant Administrator,
7 Wehrum. We want to work with EPA to find a solution, and both
8 of you have committed to working with us on this, but it's one
9 of those where we keep thinking that we've got a resolve, and a
10 year later I'm still in front of the subcommittee, and the EPA
11 Administrator is here, whether it's you or whether it was Gina
12 McCarthy, we continue to have these conversations about it, but
13 we haven't gotten to that permanent solution. So know that we
14 have got to figure this one out.
15 Mr. Pruitt: Yes, it's one of those situations that I
16 believe ~~that~~ we need very much pragmatism, practical
17 approaches, to fix it. ~~And~~ It is a unique situation for the
18 community, and we need to recognize that as such and find
19 solutions that address that uniqueness.
20 Senator Murkowski: Well, and as I say, oftentimes it's
21 not even a community, it's just a very remote --
22 Mr. Pruitt: Right.
23 Senator Murkowski [continuing]: Operational site, and so
24 how we can help facilitate that is something that we want to
25 continue to work with you on.

1 Senator Udall.

2 Senator Udall: Thank you, Madam Chair. Madam Chair, I

3 would like to put in the lobbying disclosure forms for Steven

4 Hart relating to the last questions.

5 Senator Murkowski: Those will be part of the record.

6 [The information follows:]

7 INSERT LOBBYING DISCLOSURE FORMS FOR STEVEN

8 HARM

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

9 Senator Udall: Thank you very much.

10 And related to the search for the apartment and housing,

11 Mr. Administrator, and this is really a simple yes or no, will

12 you provide copies of all emails and other documents related to

13 your apartment search, including any from your staff, Ms. Hupp,

14 H-U-P-P, from her email address?

15 Mr. Pruitt: Yes.

16 Senator Udall: Thank you very much.

17 Mr. Pruitt: Yes.

18 Senator Udall: You've spoken a lot about --

19 Mr. Pruitt: With a clarification obviously. The EPA --

20 Senator Udall: Could you do that within 10 days?

21 Mr. Pruitt: It would be --- you know, emails from the

22 Agency. That's --- that's what I trust that you're asking for.

23 Senator Udall: Well, I'm asking for any emails that

24 relate to this, but, yeah, emails from the Agency, that's

25 included.

Ex. 5 Deliberative Process (DP)

Condo Lease

We are in the process of searching, collecting, and reviewing related documents. The Agency will deliver the documents to you once available.

1 Mr. Pruitt: Yes. ~~Yes, So~~ I just wanted clarity. ~~And~~
2 the timeframe, I understand that, ~~you know,~~ there's significant
3 FOIAs that we're responding to, but we will respond
4 expeditiously, yes.
5 Senator Udall: But you're willing to give us any of her
6 emails, is that correct?
7 Mr. Pruitt: As I indicated, from the Agency, yes.

Ex. 5 Deliberative Process (DP)

8 Senator Udall: Yes. And you've spoken a lot about the
9 rule of law. I know you're familiar with a very important law
10 called the FOIA, you just mentioned, Freedom of Information.
11 That law requires full disclosure of information and documents
12 controlled by the U.S. Government. Did EPA impose a political
13 review process before releasing FOIA requests?
14 Mr. Pruitt: Not to my knowledge, no.
15 Senator Udall: Yes, thank you.
16 Mr. Pruitt: Maybe you can define that. I'm not entirely
17 sure what you mean by political -- what was the term?
18 Senator Udall: Well, there are only nine exceptions to
19 FOIA, and none of them are for political purposes.
20 Mr. Pruitt: Yes. I just want to make sure that I
21 understood your question.
22 Senator Udall: Our understanding is that you put in a
23 political review in a FOIA request by your staff at your level.
24 Mr. Pruitt: The Office of General Counsel at the Agency
25 conducts the review process, and they follow the statute as far

1 as what exemptions are applicable.

2 Senator Udall: And they don't put any political review in

3 it.

4 Mr. Pruitt: As I indicated, the OGC reviews it and

5 follows the statute as far as what exemptions are applicable.

6 Senator Udall: And you haven't asked them to put a

7 political review in it in addition to the nine exceptions.

8 Mr. Pruitt: I'm not entirely sure what I can say more

9 than what I've already said about that, Senator.

Ex. 5 Deliberative Process (DP)

10 Senator Udall: Earlier this month, multiple news reports

11 indicated that your press team was shopping negative stories

12 about Interior Secretary Ryan Zinke to take attention away from

13 your scandals. I have to imagine it would be embarrassing to

14 President Trump to have officials at one Federal agency try to

15 publicly smear one of his Cabinet Secretaries. Did this

16 actually happen? Is your staff working to undermine other

17 Cabinet officials to distract from your own negative media

18 attention?

19 Mr. Pruitt: Absolutely not. In fact, we investigated

20 that initially. In fact, my chief of staff called Ryan Zinke's

21 chief of staff at the very moment that ~~that came up~~ came up,

22 and addressed that matter, ~~and~~ it was determined that that was

23 not happening.

Ex. 5 Deliberative Process (DP)

24 Senator Udall: And you will release all emails that will

25 -- that relate to that.

Ex. 5 Deliberative Process (DP)

Zinke E-Mails

EPA is in the process of searching, collecting, and reviewing documents related to this event. If this search uncovers any information, the Agency will deliver the documents to you once available.

1 Mr. Pruitt: We've investigated that with the gentleman in
2 question, and spoken to Interior, and whatever documents are
3 relevant to that that are subject to disclosure, we'll provide.
4 Senator Udall: Well, multiple reports indicate that the
5 White House believes this happened. Did you ask what facts
6 they knew to inform proper management and discipline of your
7 staff?
8 Mr. Pruitt: I can only say to you, Senator, that upon
9 learning of this allegation, we talked to the individual in
10 question, and he denied that it ever took place, and I had my
11 chief of staff call the chief of staff for Ryan Zinke and
12 clarify and make sure that if there were any questions, they
13 were addressed. So we took immediate actions internally.
14 Senator Udall: Yes. And since you disagree with the
15 White House, should the IG investigate whether EPA employees
16 are wasting their time shopping negative stories about other
17 officials?
18 Mr. Pruitt: Again, Senator, I don't know what else I can
19 offer to you other than what I've already said about what steps
20 we've taken internally.

Ex. 5 Deliberative Process (DP)

21 Senator Udall: EPA has developed a list of 22 Superfund
22 sites, some of which were talked about today, which need
23 immediate and intense action. At least one site was proposed
24 for listing as a new Superfund site and added to the elite
25 group of sites at the exact same time. This just happened to

1 be a few weeks after Hugh Hewitt, a conservative commentator,
2 who regularly defends your actions, asked you to meet with a
3 California law firm who represents a client that wants to see
4 that very site cleaned up faster. Yes or no, did you take
5 interest in that particular California site after Hugh Hewitt
6 brought it to your attention?
7 Mr. Pruitt: There were discussions around that site well
8 before that meeting took place. And actually, good things
9 came out of that meeting, and the decision. This is I think
10 you're referring to the Administrator's list with respect to
11 special emphasis. I'm not entirely sure why there would be
12 criticism around us taking concerted action to address
13 Superfund sites and get accountability, whomever brings that to
14 our attention.

Ex. 5 Deliberative Process (DP)

15 Senator Udall: Yes, well, the idea is that there's been
16 scientific analysis and thorough analysis on a list, and so
17 then special friends get to get on a list that has been created
18 by the Agency. It looks a little bit fishy to me.
19 As I understand it, your trip to Morocco cost taxpayers
20 nearly $100,000, but had little connection to the EPA's
21 traditional mission or activities. It is also reported that
22 the trip was largely organized and arranged by Richard Smotkin,
23 a Comcast lobbyist you have reportedly known for over a decade.
24 And almost immediately after the trip, Mr. Smotkin became a
25 registered foreign agent on behalf of the Moroccan government

1 with a $40,000-a-month contract. Individuals familiar with
2 your Morocco trip indicated that Mr. Smotkin was, quote, a near
3 constant presence during your trip.
4 But Mr. Smotkin has also been involved in other matters
5 with the EPA during your tenure. For example, he arranged your
6 meeting with Canadian Prime Minister Stephen Harper, tried to
7 plan two other trips to Australia to address a Business Council
8 for International Understanding, and dined with you on multiple
9 occasions in 2017. Did you discuss official EPA matters with
10 Mr. Smotkin during any of your extensive interactions with him?
11 Mr. Pruitt: I'm so glad you've asked this question about
12 Morocco because it's one of those situations that we were on
13 the ground for 36 hours. We have an -- we have an
14 environmental chapter --
15 Senator Udall: Sir, I just asked you a very specific
16 question.
17 Mr. Pruitt: And I feel like you, Chairwoman -- Chairman,
18 in fact --
19 Senator Udall: Did you discuss -- did you discuss --
20 Madam Chair, he's not answering my question.
21 Senator Murkowski: Well, you need to give him an
22 opportunity, too, to answer.
23 Go ahead, Administrator.
24 Mr. Pruitt: You made a lot of statements there, Senator,
25 with respect to the characters -- characterizing the Morocco

1 trip. And the Morocco trip, there was a free trade agreement.
2 As you know, free trade agreements have environmental chapters
3 that are a part of those. The free trade agreement was up in
4 February this year. We had staff preparing that environmental
5 negotiation, that chapter. I met with Ex. 5 Deliberative Process (DP) five or
6 six different individuals while in Morocco over a 36-hour
7 period with respect to those issues.
8 We've had staff, I've learned recently, in Morocco
9 following up on those environmental negotiations to ensure that
10 they remain part of the free trade agreement. So to
11 characterize the Morocco trip as being anything other than
12 about EPA business is just simply a mischaracterization.
13 Senator Udall: Okay. Now my question, Did you discuss
14 official EPA matters with Mr. Smotkin during any of your
15 extensive interactions with him? Pretty simple.
16 Mr. Pruitt: The only -- the only -- the only discussions
17 we've ever had have been as part of meetings in the office or
18 on the trip that you're -- that you're speaking about.
19 Senator Udall: And you talked about the trade agreement.
20 Did you work with a telecommunications -- why did you work with
21 a telecommunications lobbyist regarding such a trip as opposed
22 to State Department, U.S. Trade Representative, or other
23 Federal officials?
24 Mr. Pruitt: We did in fact. We worked with -- we worked
25 with the U.S. Trade Representative. In fact, the Ambassador

1 from Morocco was in my office requesting that we make the trip,
2 Senator. So the trip occurred because of the request by the
3 Ambassador in addition to the environmental chapter that was
4 being negotiated as part of the free trade agreement. And the
5 U.S. Trade Representative's Office was in fact engaged in the
6 process, in both before, during, and after.

Ex. 5 Deliberative Process (DP)

7 Senator Udall: Will you commit to providing this
8 subcommittee and others in Congress all documents related to
9 your trip, Mr. Smotkin, and the free trade agreement with
10 Morocco?
11 Mr. Pruitt: Absolutely.
12 Senator Udall: In 10 business days. Thank you.
13 Absolutely, right?
14 Mr. Pruitt: The 10 days I can't speak to, I mean, but we
15 will absolutely provide the documentation.
16 Senator Udall: Okay.

Ex. 5 Deliberative Process (DP)

17 Senator Murkowski: Thank you.
18 Fish grinding. I ask every year. Every year I need to go
19 back into my records and find out how long it has been that we
20 have been working to resolve this issue, encouraging EPA to
21 come up with a reasonable policy related to fish grinding for
22 both onshore and offshore seafood processors. Our onshore
23 processors are allowed to grind and discharge seafood waste
24 under a National Pollutant Discharge Elimination System (NPDES)
25 general permit. But even with the best available technology,

Ex. 5 Deliberative Process (DP)

Morocco Trip

We are in the process of collecting and reviewing documents related to the Morocco trip and will deliver them to you once available.

1 100 percent compliance with the permit requirements is not
2 achievable just because of the nature of the waste itself.
3 So we have been working with you on this. Even though
4 offshore fish grinding remains an issue within the Agency,
5 there are no documented water quality issues attributed to any
6 such grinding. So, again, I've been working on this for a
7 number of years. Every time we seem to get close to resolving
8 it, it seems that there's another roadblock that presents
9 itself. So do you have any updates for me on how the Agency
10 plans to comply with the omnibus language that we included, and
11 give me some kind of a timeframe for action that we might
12 expect?
13 Mr. Pruitt: As you know, Chairman, the existing permit
14 has expired --
15 Senator Murkowski: Right.
16 Mr. Pruitt [continuing]: And it's been administratively
17 continued. And this is something that, again, practical
18 approaches need to take root. You're dumping fish parts in the
19 middle of the ocean, as I understand it, and as you put it,
20 there is no documented concerns with respect to ecosystems and
21 the rest. And there has been some, obviously, communications
22 by Fish and Wildlife that they would be -- they would object to
23 removing the provision from the permit, but, nonetheless, it's
24 something we need to proceed with and put the proposal in the
25 marketplace so we can get closure on this issue. It's

1 meeting later this summer or delegate that so that we can go
2 through these so that I don't have to take my time in these
3 budget hearings to kind of go down the checklist and say,
4 "Okay, where are we?" I would like to be able to do that with
5 you.
6 Mr. Pruitt: Ex. 5 Deliberative Process (DP) Senator Sullivan and I have
7 actually talked about perhaps a time that we would spend in
8 Alaska, maybe during the recess in August --
9 Senator Murkowski: Right.
10 Mr. Pruitt [continuing]: To address some of these
11 matters, and I would commit that to you that perhaps that would
12 be a good time to set as a deadline to get some progress made
13 in these areas.
14 Senator Murkowski: I look forward to that. Thank you.
15 Senator Udall, I'm concluded with my questions, but do you
16 -- you have time for one more round here.
17 Senator Udall: I just -- yeah, I just have a couple more
18 here.
Ex. 5 Deliberative Process (DP)
19 Administrator Pruitt, you mentioned methylene chloride and
20 meeting with the families. When are we going to see the ban?
21 Mr. Pruitt: Well, as you know --
22 Senator Udall: That's what I want to know. That's what
23 the families want to know. I met with some of the same
24 families.
25 Mr. Pruitt: As you know, Senator, the proposed ban

1 withdrawal was submitted in January of 2017. And it --

2 Senator Udall: That's right. The last administration

3 said ban -- ban --

4 Mr. Pruitt: That's right. ~~And then~~ there were comments

5 taken, ~~and~~ that's been pending at the Agency since probably

6 June of this year as far as review of those comments. ~~And~~ when

7 I met with those families recently, my commitment post was to

8 forward the proposed rule as it currently stands, ~~--~~ this was

9 submitted in January of 2017 ~~--~~ to OMB to move to ~~final~~ ~~--~~

10 finalization of that rule.

11 Now, there are some steps that need to be addressed.

12 There's a DoD issue with respect to the use of methylene

13 chloride, and then contactors of DoD, there is some clarity

14 that needs to be addressed. But ~~--~~ and, as you know, the rule

15 simply says that if you distribute methylene chloride Ex. 5 Deliberative Process (DP)

16 Ex. 5 Deliberative Process (DP) ~~--~~ for paint stripping, that it has to be in a 55-gallon

17 drum. So there are two different sections of the rule, but we

18 have forwarded that to OMB for processing and to move toward

19 final with the clarification around the DoD issue along with

20 contractors.

21 Senator Udall: You're pushing for a ban, correct? Just

22 like the past administration.

23 Mr. Pruitt: ~~I'm pushing for the rule that was submitted~~

24 ~~--~~ I'm pushing for the rule that was submitted in January of

25 2017.

1 Senator Udall: Yes.

2 Mr. Pruitt: ~~And that's a very -- I mean,~~ Senator, I think

3 that this is one of the solvents that made up the list of 10

4 under the Toxic Substances Control Act (TSCA) and the priorities

5 that we are reviewing, ~~and~~ this is a matter that we needed to

6 act on, in my view, sooner than what we did. ~~And~~ I appreciate

7 you and others bringing that to my attention. ~~And~~ the meeting

8 that I had with those families helped cement the process that

9 we're taking.

Ex. 5 Deliberative Process (DP)

10 Senator Udall: Now, you've mentioned several times in the

11 course of questioning here about this new office called the

12 Office of Continuing Improvement.

13 Mr. Pruitt: Yes, sir.

14 Senator Udall: The subcommittee was not notified of this

15 new office. Can you commit to us again today that you will

16 heed this subcommittee's direction on all reorganizations,

17 closures, and staffing changes?

18 Mr. Pruitt: Yes, but this was not a reorganization. Ex. 5 Deliberative Process (DP)

19 Ex. 5 Deliberative Process (DP) These were employees that were already internal to the

20 Administrator's Office that was simply providing leadership

21 with respect to this Office of Continuous Improvement. So it

22 was not a reorganization.

23 Senator Udall: Well, I -- my understanding is that kind

24 of activity is considered -- creating a new office is

25 considered a reorganization. So can you commit to us again

1 that you will heed this subcommittee's direction on all
2 reorganizations, closures, and staffing changes?
3 Mr. Pruitt: Yes, Senator.
4 Senator Udall: Yes.
5 Mr. Pruitt: Yes, Senator. Ex. 5 Deliberative Process (DP) ay I add something
6 there? There has been a lot of discussion with respect to
7 regions across the country about their status, and in labs as
8 well, there have been discussions about that. ~~One of the~~
9 ~~things that the regional labs~~ the previous administration
10 began a process to eliminate many regional labs across the
11 country. I have reversed that. So ~~so~~ because the
12 regional labs make a substantial difference to States in the
13 development of State Implementation Plans, for air quality,
14 water quality standards that they're developing. ~~And~~ so when
15 we talk about reorganization, that is very important, ~~and~~ we
16 seek to make you aware of that, but we're trying to get
17 accountability in these areas as much as anything.
Ex. 5 Deliberative Process (DP)
18 Senator Udall: And shifting very quickly here to
19 chlorpyrifos and agricultural worker protection, children and
20 farm workers continue to be exposed to chlorpyrifos and other
21 dangerous pesticides. Do you know how many children under the
22 age of 18 work in agriculture in the U.S.?
23 Mr. Pruitt: Do I know the number?
24 Senator Udall: Yes.
25 Mr. Pruitt: I do not know the number.

1 Senator Udall: Yes. It's estimated about 500,000
2 children work in agriculture. And right now you're rewriting a
3 rule that protects those children from pesticide exposure.
4 Time and again we see public health and safety precautions
5 taking a back seat while corporate friends and donors get
6 special attention. Do you think it was appropriate to include
7 supportive statements from Dow Chemical, the maker of
8 chlorpyrifos, in your EPA year-end review 2017-2018 document
9 right under the subheading "Chemicals and Pesticides"?
10 Mr. Pruitt: Well, Senator, I would rather speak to the
11 issue around age and the Worker Protection Standard. ~~And~~ I
12 want you to know that as we're evaluating that, Ex. 5 Deliberative Process (DP)
13 Ex. 5 Deliberative Process (DP) I think there are
14 30-plus States that have age requirements. ~~And so~~ we are
15 contemplating and considering, should there be more deference
16 given to those States if they set it at 16 or 18? ~~And so~~ the
17 Worker Protection Standard age requirements are important, but
18 we're trying to figure out the best way to achieve that to give
19 reliance upon the States and what they've already put into
20 place.
21 As far as the Dow reference Chemical, I mean, the Public
22 Affairs Office put that together, and why they included that, I
23 can inquire, but I can just provide the information to you on
24 why that was included. Ex. 5 Deliberative Process (DP)
25 Senator Udall: Yes. Well, the additional point is, how

Ex. 5 Deliberative Process (DP)

CHLORPYRIFOS

"Throughout the EPA Year-in-Review 2017-2018 Report, the Agency included quotes from industry, state and local governments, non-governmental organizations, elected officials, and other stakeholders. These are all entities who are interested in the important work of EPA to protect public health and the environment."

1 many supportive statements do you have from agricultural
2 workers or health professionals in the record on that issue?
3 Mr. Pruitt: Well, as you know, any changes we made to the
4 Worker Protection Standard, there's a comment period where
5 there will be a variety of comments made by stakeholders both
6 pro and con to lowering that or increasing that, deferring to
7 the States or not. It's not just the age requirement issue
8 either, it's the representation issue that we're addressing,
9 Ex. 5 Deliberative Process (DP) so there are multiple issues Ex. 5 Deliberative Process (DP)
10 that's we're speaking to there.
11 Senator Udall: Yes. And yet you have represented during
12 your testimony today a number of times that you would answer
13 our questions, answer our letters. We hope that you will do
14 that on a timely basis.
15 Thank you, Madam Chair.
16 Senator Murkowski: Thank you, Senator Udall.
17 Administrator, thank you. You've given a good portion of
18 your day to us this morning. As Senator Udall has indicated,
19 there have been some questions and requests for information
20 that have been directed to you this morning. We would
21 anticipate that you would be responsive to that.
22 ADDITIONAL COMMITTEE QUESTIONS
23 If Members have questions for the record, the record will
24 be held open so that they may submit those questions. And
25 again your prompt response is appreciated.