

Senate Committee on Environment and Public Works
**Hearing entitled, “Hearing on the Nomination of Michael S. Regan to be Administrator of
the Environmental Protection Agency.”**

February 3, 2021

Questions for the Record for Michael S. Regan

Senator Carper:

1. When former President Trump thought about climate change, he thought hoax, not jobs. As a result, the Trump EPA was blind to policies that were good for our climate and economy. For example, automakers and states called on the Trump EPA to implement a “50-state solution” on fuel economy and greenhouse gas tailpipe standards that achieve meaningful climate, clean air and economic benefits. Instead, the Trump EPA implemented an illegal regulation that took away state authority, increased consumer costs, increased pollution, and provided uncertainty for car manufacturers. Thankfully, when President Biden thinks about climate change, he thinks jobs and has already directed EPA to take another look at the vehicle standards. The President believes, as I do that we can reduce the largest source of climate pollution and help American automakers innovate, create jobs and compete in the global market.
 - a. Will you commit that, if confirmed, you’ll make it a priority to find an agreement between the automakers and states and start those discussions as soon as possible?
 - b. I believe the California Framework program agreed to by California and 5 automakers could serve as a logical starting point for negotiations on a near-term federal solution. It would seem that a collaborative approach with automaker support could set our nation on an accelerated path for reducing emissions, provide more regulatory certainty, and help build a robust market for electric vehicles as we transition to a zero-carbon transportation future. What are your thoughts on this approach?

RESPONSE: President Biden has said confronting climate change presents an unprecedented economic and jobs opportunity, and I agree. The light duty vehicle standards will play an important role in that effort. President Biden’s *Executive Order 13990: Executive Order on Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* lays out a clear timeline for the Agency’s review of the Trump Administration’s actions. If confirmed, I will work with EPA staff, states, the automobile industry, labor, and other stakeholders to consider a range of views, including the California approach, on how to set ambitious light duty standards.

2. Will you commit that, if confirmed, you will support the President’s direction to the State Department to send the Kigali Amendment to the Montreal Protocol to the Senate for ratification?



RESPONSE: While I have read the law and look forward to implementing it, I have not had the benefit of being briefed by EPA staff on the American Innovation and Manufacturing (AIM) Act and its relationship with the Kigali Amendment. If confirmed, I will confer with EPA staff on that question.

3. Will you commit, if confirmed, to working with downwind states, like Delaware, who are still suffering from cross-state air pollution from upwind states?

RESPONSE: I too dealt with this issue in North Carolina and I understand the impacts of transport. You have my commitment to work with states on this issue.

4. Methane is a greenhouse gas with 80 times the planet-altering power of carbon dioxide in the near-term. The oil and gas sector contributes to the climate crisis by venting and flaring natural gas with methane, and through unintentional leaks in aging infrastructure. President Biden directed EPA through executive action to act on oil and gas methane emissions. Will you commit, if confirmed, to quickly review and revise, if necessary, the existing methane oil and gas New Source Performance Standards, entitled: “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration,” 85 Fed. Reg. 57398 (September 15, 2020)?

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

5. EPA has not effectively implemented the PFAS action plan, which it released two years ago. For example, no legal limit for PFAS in drinking water has been set. Also, EPA has delayed key studies on the toxicity of PFAS. It has also failed to set standards under the Clean Water Act, which would prevent industries from releasing high levels of PFOA/PFOS into the nation’s waterways, and it has failed to designate PFOA and PFOS as hazardous substances under Superfund, which would initiate the cleanup process at the most contaminated sites. Will you pledge to implement all the steps articulated in the PFAS Action Plan?

RESPONSE: President Biden has highlighted the importance of and his commitment to tackling PFAS pollution and protecting public health and the environment, especially for those communities most heavily impacted and vulnerable to such pollution. If confirmed, I am committed to making addressing PFAS a top priority for EPA, as I did in my position as Secretary of the North Carolina Department of Environmental Quality (NCDEQ). I will discuss the PFAS Action Plan with EPA staff and will consider their advice to determine the appropriate path forward.

6. The last two EPA Administrators have promulgated rules that misrepresent the state of the science in order to achieve a pre-determined political outcome. The violations of



scientific integrity will manifest as real-world harms to our environment and human health. There are two keys to restoring trust in EPA: an agency-wide commitment to EPA's written scientific integrity policy, and a scientific integrity officer who is empowered to do their job. Will you support a process for making sure new and existing EPA employees are fully aware of their rights and responsibilities regarding the conduct of scientific research, publication of scientific research, communication with the media and the public regarding scientific research? Will you commit to meet with the EPA Scientific Integrity Officer on a regular basis and seek status reports on her observations?

- a. Under the Trump administration, the scientific integrity officer could not act on serious violations of the scientific integrity policy, because it was the political appointees to whom she reported to that committed the violations. Will you work with the scientific integrity officer to explore amendments to agency rules and procedures, as well as work with Congress to explore any necessary changes to law, to ensure that political appointees in the current and future administrations do not have the ability to effectively overrule or stymie the findings of the scientific integrity officer?

RESPONSE: President Biden has already taken executive action to restore scientific integrity and evidence-based policymaking across the federal government. The President's Presidential Memorandum on Scientific Integrity and Evidence-Based Policymaking directs agencies to make evidence-based decisions guided by the best available science and data, which are central to sound policy. This Memorandum sends a clear message that the Biden-Harris Administration will protect scientists from political interference and ensure they can think, research, speak, and publish freely to provide valuable information and insights to the American people. If confirmed, I commit to implementing this vision at EPA and considering any recommendations the Agency's career scientific integrity officials have for how to strengthen scientific integrity at EPA.

7. Will you commit to investing significant budgetary resources to achieving changes at the agency to advance environmental justice?
 - a. How will you address the cultural changes needed at the agency in enforcement, permitting and regulation to address environmental injustices?

RESPONSE: President Biden has made a commitment to environmental justice and equity as cornerstones of his agenda. Securing environmental justice for communities most overburdened by pollution will be a priority for me if I am confirmed as EPA Administrator. My first stint at EPA was focused on environmental justice and equity issues. I established the first environmental justice and equity advisory board in North Carolina, bridging environmentalism and civil rights to find solutions for our fence line and disproportionately impacted communities. If confirmed, I will work with EPA staff and Congress to increase resources to address environmental justice; integrate environmental justice across all EPA policies, actions, and program implementation in accordance with



presidential executive orders and directives; and ensure the federal civil rights laws are enforced. I look forward to partnering with you and Congress so that we can be sure that where we have gaps in our laws and regulations, we can rectify and address inequities to ensure all Americans have access to clean air, clean water, and healthy communities.

8. As I mentioned during your February 3, 2021 nomination hearing, the Trump EPA created great uncertainty in the Renewable Fuel Standard (RFS), which sets mandates on the amount of biofuels that are to be blended into our transportation fuels. In your testimony, you mentioned that under your leadership, if confirmed, EPA would focus more on transparency when it comes to implementing the RFS program. This is welcomed news since I've encouraged EPA to take this step for years. However, I am concerned that you may only be focused on transparency when it comes to the small refinery waiver process and not the entire program. I remain concerned about the volatility in the RFS compliance trading system used by EPA, known as the Renewable Identification Number (RIN) market. I continue to believe market transparency and business certainty, which includes processing biofuel applications in a timely manner and issuing the renewable volume obligations in a timely manner, is a big part of the solution to addressing the volatility. If confirmed, will you commit to reviewing and implementing, if necessary, transparency measures across the RFS program?

RESPONSE: If confirmed, I will confer with my legal and policy team to understand all of the options before me regarding the RFS program, and in this specific case, what steps can be taken to improve transparency and provide for more regulatory certainty throughout the RFS program.

9. Under the Trump Administration, EPA attempted to weaken the legal authority for the Mercury and Air Toxics Standard (MATS), which regulated air toxics from power plants. Stakeholders did not want EPA to take this action and yet EPA did. In doing so, it created great uncertainty in terms of reducing mercury and other air toxics from our nation's largest sources of air toxics and reduced business certainty for the entire power sector. If confirmed, do you commit to reviewing the action by the Trump EPA to undermine the Mercury and Air Toxics Rule?

RESPONSE: President Biden's *Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis* directs EPA to review this rule "as soon as possible." If confirmed, I will confer with my legal and policy team to understand all options before me regarding MATS. I am committed to fulfilling EPA's mandate to protect public health and the environment while providing regulatory certainty to regulated entities.