



FROM: Kountoupes Denham Carr & Reid

DATE: Thursday, January 16th, 2025

RE: Senate Environment and Public Works Full Committee Confirmation Hearing to Consider Lee Zeldin to be the EPA Administrator

Topline Summary

- Senators convened for a full committee confirmation hearing to consider Lee Zeldin to be the EPA Administrator
- Members on both sides of the aisle showed willingness to work with Mr. Zeldin, and discussed projects in their states which could use EPA support. Mr. Zeldin also received bipartisan appreciation for his work on improving water quality while serving in the House.
- Republicans expressed enthusiasm over his apparent support for a quicker permitting process and above-all energy approach. Some Democrats expressed concern that Mr. Zeldin would lean too heavily into fossil fuels once taking on the role as Administrator.

Senators/Members Attending: Chair Shelley Moore Capito (R-WV), Ranking Member Sheldon Whitehouse (D-RI), Senator Kevin Cramer (R-ND), Senator Bernie Sanders (I-VT), Senator Cynthia Lummis (R-WY), Senator Jeff Merkley (D-OR), Senator John Curtis (R-UT), Senator Edward Markey (D-MA), Senator Lindsey Graham (R-SC), Senator Mark Kelly (D-AZ), Senator Dan Sullivan (R-AK), Senator Alex Padilla (D-CA), Senator Pete Ricketts (R-NE), Senator Adam Schiff (D-CA), Senator Roger Wicker (R-MS), Senator Lisa Blunt Rochester (D-PA), Senator John Boozman (R-AR), Senator Angela Alsobrooks (D-MD), Senator Jerry Moran (R-KS)

[Live Hearing Link](#)

Meeting called to order by Chair Capito.

Opening Statements

Chair Shelley Moore Capito (R-WV): I am excited to welcome all of you to the EPW Committee hearing, the first one of the 119th Congress and my first as the Chairman. This is also the first hearing with Senator Whitehouse as the Ranking Member.



Like me, Ranking Member Whitehouse has served on the EPW Committee since he came to the Senate. He is a passionate and vocal advocate on behalf of Rhode Island, of his constituents, and he is a great partner here on this Committee in delivering legislative solutions for the American public.

I am proud of our previous efforts that we've worked together to move bipartisan legislation forward, such as laws to support carbon capture, utilization, and sequestration technology, as well as the ADVANCE Act, which we passed and worked together on for several years, finally got it over the finish line last year, and it was signed into law in working to modernize the Nuclear Regulatory Commission.

My partnership with Ranking Member Whitehouse on these issues reflects the broader tradition of the EPW Committee. Quite honestly, we have some tough issues sometimes in here where we have strong disagreement, but we always want to find common ground.

This Committee has a strong legacy of working together to pass bipartisan legislation to improve our nation's infrastructure, invest in water systems, and help clean up our environment.

I look forward to continuing this strong bipartisan tradition as the Chairman of the Committee, working with the Ranking Member and all of our members to address critical issues within our jurisdiction of this Congress.

This morning, we will hear from President Trump's nominee to lead the Environmental Protection Agency, former Congressman Lee Zeldin. Welcome.

Congressman Zeldin has served our nation honorably in the U.S. Army, first on active duty and then in the Army Reserve. In 2014, Congressman Zeldin was elected to the House of Representatives – where he served the state of New York for eight years.

Throughout his tenure in the House of Representatives, Congressman Zeldin championed critical environmental policies that helped his Long Island district. He supported legislation to boost innovation for clean energy technologies and policies that strengthened our nation's energy security.

I enjoyed meeting with Congressman Zeldin to hear about his experience and his vision for how he would prioritize the Agency's work as the EPA Administrator.

I believe the EPA must return to its core missions.

The EPA also should better manage taxpayers' dollars by doing more with the vast funding that Congress provides. That means reducing, of course, bureaucratic red tape so the state



agencies responsible for protecting our nation's air, land, and water can do so without Washington, D.C. getting into the way.

Doing so will lead to those state agencies efficiently improving our drinking water systems and issuing relevant air, land, and water permits. It also means prioritizing the EPA's attention towards issues that will help Americans in their daily lives.

When the EPA focuses on what it does best, it doesn't just benefit the environment, it benefits our economic growth.

For example, the Agency should prioritize cleaning up brownfields and Superfund sites to facilitate new economic development of those locations, many of which are located in rural and distressed areas.

I look forward to hearing Congressman Zeldin's plans to build on the work initiated by the first Trump Administration, including the EPA, which took the first step to address legacy PFAS contamination.

And, as the Agency fulfills its obligations under our nation's bedrock environmental laws, the Administrator should also take into account affordability and electric reliability.

Recently, the organization responsible for ensuring grid reliability found that more than half of the United States could experience rolling blackouts in the next decade because of the lack of reliable power capacity. Areas at risk of shortages include New England, the Mid-Atlantic, California, the Midwest, and the Great Plains.

The reliability risk is due to the projected retirement of dispatchable power plants, compiled with a 15 percent increase in electricity demand over the next decade. Critically, this demand cannot be met solely with intermittent energy generation.

Spiking energy costs and rolling blackouts are an unacceptable fact if the U.S. is to continue as a global leader.

Actions that policymakers, and regulators, take now will determine whether America will thrive in an era with a cleaner environment, energy abundance, lower costs, and economic prosperity or face it with a path of scarcity, inflation, and stagnation.

I support that first option I named, and believe our nominee does as well.

I have confidence that the EPA, under Congressman Zeldin's leadership, will focus on the EPA's core mission to protect human health and the environment, while acknowledging the critical role the Agency plays in our economy and international leadership.



In doing so, the EPA can make great progress in addressing key environmental challenges consistent with the authorities the Congress has given the Agency. I look forward to discussing these issues with Congressman Zeldin today.

I now recognize our Ranking Member Whitehouse for his opening statement.”

Ranking Member Sheldon Whitehouse (D-RI): Three things.

First, I'd like to let everyone know I like the Chairman. That's a good start.

In that context, I'd like to present her as the new chairman this gavel. It was made in 1956 of wood from the old West Virginia State House by the McKinley Vocational High School in Wheeling, West Virginia. It was presented to the then governor of West Virginia, Hulett Smith, who kept it upon his departure. He was term-limited out, and that was significant for, among other reasons, that it opened the office to the Chairman's father, Arch Moore. Madam Chair, may you bang it in good health.

Second, we have indeed worked well together. We have together successfully advanced nuclear energy reform; we have together successfully encouraged and expanded carbon capture; and the WRDA and the highway bills present big bipartisan opportunities for more work together. I even hope together we can revive permitting reform. So, there is plenty of good opportunity.

And as I speak to bipartisan matters, let me also welcome Senator Curtis, our newly elected member of this Committee on the Republican side.

Last, I want to show everyone this map of my home state. The bright green parts are parts that are destined to flood, permanently underwater, lost to the sea in decades ahead.

Congressman Zeldin will be familiar with this risk from his home, Suffolk County. Fossil fuel pollution is the cause of that. It will change the map of my state, and it will do us crippling economic damage.

As I see it, we've been through three eras on climate.

First was the era of science.

And scientists—our headlights—did their job, predicting accurately what was going to happen. NASA scientists, academic scientists, IPCC scientists, Exxon scientists; they did their job.

Next came the era of politics, where it was our job to heed the warnings of science and head off those dangers. We failed, badly, and for the worst of all reasons: we succumbed to a massive, deliberate campaign of lies and corruption by the polluters themselves.



That failure ushers in now an era of consequences, consequences we should have headed off but didn't.

It's beginning, in creeping, seeping inflation, as goods become harder to grow, produce, and ship in upended weather patterns. It's upon us already, in forward-looking industries like insurance (good luck with property insurance in Florida and California).

The worst danger is systemic economic crashes. One, widely warned of in economic literature, is the "carbon bubble" bursting when the international oil cartel, or the massive government subsidies, cease propping up fossil fuel; and stranded assets lose all value; and the resulting shock cascades into the global economy.

The other, upon us already, is climate risk making property insurance unaffordable or unavailable, which in turn makes mortgages unavailable, which in turn crashes property values.

Remember this map. Before all that land went underwater, it would become uninsurable. And that is still-water flooding. Throw in big storms, and there is a whole coastal uninsurability crisis looming.

The chief economist for Freddie Mac predicted a coastal properties value crash cascading through the economy like the 2008 Great Recession. And that coastal danger is now matched by Western wildfire risk, like we are seeing right now in Los Angeles, launching the same insurance to mortgage to property values collapse.

Let's be clear: we are in this perilous place because a campaign of lies, and corruption, and pollution—delivered deliberately and at industrial scale by the fossil fuel industry—was accomplished through an armada of paid front groups.

And so we're clear, it's not just me warning of significant economic harms ahead. I will circulate to all colleagues—lucky you—this compendium of the published warnings for you and all of your staffs to review.

This threat is real.

If a sharp-eyed cabin boy on the Titanic had happened that night to see the iceberg ahead, you'd expect him to do whatever he could to fight his way to the captain's table in the fancy dining room and warn of the impending disaster. So please understand that map of my state and the sense of urgency that I feel.

I am confident that the Chairman would equal me in energy and determination for any similar dangers to her Mountain State.



And so it is through this lens of urgency that I approach this nomination hearing.

President Trump has called climate change a hoax.

While running for president, he met with fossil fuel industry executives and told them that they should give him a billion dollars in exchange for his reversing the rules that protect our air and water and limit the pollution that is driving climate change. And indeed, fossil fuel companies and executives lavished millions and millions of dollars on the Trump campaign and affiliated organizations.

These special interests now expect a return on their political investment. They expect a reversal of the already limited protections we have for our air and water. And make no mistake, not only would reversing these protections harm our air, water, public health, and climate, doing so would also cost Americans money. They would be forced to spend more to fuel their cars, to buy their groceries, to heat and cool their homes and businesses. That's money that would go directly from every hardworking American's wallet into the accounts of billionaire fossil fuel barons and giant oil companies.

The question then for Mr. Zeldin, here before us as President Trump's nominee to run the Environmental Protection Agency, is simple: will he follow the science and the economics and protect our air, water, and climate? Or will he merely be a rubber stamp for looter and polluters who are setting the Trump agenda?

I must say that his role at polluter-funded organizations such as the America First Policy Institute and America First Works, his long list of Trump-affiliated consulting clients, and his anti-climate op-eds paid for by dark money organizations do not give me confidence that he will be an honest broker if confirmed to lead EPA.

I really want this to work. That is how high the stakes are. I am not here trying to score points. I am here trying to steer us away from what I see as a calamity ahead.

I will therefore be watching closely today to see if Congressman Zeldin is able to differentiate himself in any substantive ways from the polluter agenda and the economic crashes likely to ensue.

Thank you, Madam Chair. Here's to a productive relationship in this important Committee.

Witnesses

Lee Zeldin, Nominee to be Administrator of the Environmental Protection Agency

[Witness Testimony](#)



Q&A

Chair Shelley Moore Capito (R-WV) stated that the EPA issued a number of rules in the last 4 years, including the clean power plant, imposing high costs on reliable coal and gas plants in a deliberate effort to shut them down. She said simultaneously, the cost of energy has skyrocketed 23% over the last 4 years. She said that the American Electric Reliability Corporation estimates that over half of the country could face grid reliability issues in the next decade. She said that onshoring manufacturing, as well as powering data centers and AI are big reasons for the increase in demand that we have seen. She then asked Mr. Zeldin if the EPA will make energy affordability and reliability top priorities under his leadership. He answered yes. She asked Mr. Zeldin what his vision is for fulfilling the EPA's statutory mission and getting the agency back to the basics. Mr. Zeldin said that it is important that the EPA is honoring the obligations under the law, following the Clean Air Act, Safe Drinking Water Act and others. He said that the EPA needs to be accountable and transparent with Congress and the public. He said that the EPA's actions need to be durable and able to withstand scrutiny. He added the need for a close collaboration between the EPA and Congress. The Chair then moved onto PFAS. She asked him how he would address the growing problem of PFAS as EPA Administrator. Mr. Zeldin stated that that he served in a PFAS task force and said he will ensure that the EPA meets its obligations to maintain clean water, particularly by working with each state to support clean-up projects around the country.

Ranking Member Sheldon Whitehouse (D-RI) started by talking about the risks to the housing and insurance markets due to climate change, entering several articles into the record. The Ranking Member said that he is going to get right to the basics and ask Mr. Zeldin very basic no-nonsense questions. His first question to Mr. Zeldin was whether carbon dioxide is a pollutant. Mr. Zeldin answered that we need to focus on it when it is being emitted in large quantities. Ranking Member Whitehouse said that it was his understanding that CO2 is classified as a pollutant under law. Mr. Zeldin said that while it is not named in the Clean Air Act, the EPA has treated it as such. The Ranking Member then asked what effect carbon emissions from fossil fuel combustion are having on the atmosphere. Mr. Zeldin said that while he is not a scientist, the EPA has many very highly skilled scientists who are able to find that data and give recommendations to policymakers. Ranking Member Whitehouse asked what the effect was when these emissions are trapped in the atmosphere. Mr. Zeldin answered that it traps heat. The Ranking Member then asked what the effects of methane emissions are on the atmosphere. Mr. Zeldin said it also traps heat. The Ranking Member said that since he is from the "Ocean State", he has to ask what the effect of carbon emissions is on the oceans. Mr. Zeldin said that the emissions of greenhouse gas emissions trap heat, and he understands that rising sea levels are a concern for the Senator, because it was for him as well, as he used to represent a coastal district. The Ranking Member asked if it is true if these carbon dioxide and methane emissions that are trapped in the atmosphere are heating up the oceans. Mr. Zeldin affirmed this. The Ranking Member then asked if there was a link between fossil fuel emissions and ocean acidification. Mr. Zeldin said that generally yes, though there is some litigation on this so he can't comment further. The Ranking Member asked if we have the 1.5-degree threshold,



and if so, why it is important. He said he can't cite specific metrics and must leave that to the scientists. The Ranking Member asked Mr. Zeldin what his key concerns are with emissions and the oceans. Mr. Zeldin said that rising sea levels are a top concern for him. He said that there are always ways to do more with clean water.

Sen. Kevin Cramer (R-ND) began by asking Mr. Zeldin if he would describe the Sackett v. EPA decision by Supreme Court Justice Alito as prescriptive or ambiguous as it relates to the definition of federally jurisdictional water. Mr. Zeldin said the decision was clear and prescriptive. Sen. Cramer said he was told by Biden Administration officials that the direction from the Supreme Court was clear when the decision was issued. Sen. Cramer asked Mr. Zeldin how he would approach a post-Sackett ruling making process with the assumption that states have privacy and primary responsibility of water within their state. Mr. Zeldin said he will do his part to ensure the EPA is honoring Sackett and any future laws Congress puts out. Sen. Cramer asked if it can be presumed that in obvious and simple cases, the landowner or developer already understands the law and does not need to seek permission to do the things they want to do. Mr. Zeldin said it is unfortunate that many farmers are not aware of whether or not their land has waters of the U.S. on it which is a failure of the federal government.

Sen. Bernie Sanders (I-VT) discussed rising temperatures and the impact on climate related natural disasters. He asked Mr. Zeldin if he agrees with President-elect Trump's statement that climate change is a hoax. Mr. Zeldin said he believes climate change is real. Sen. Sanders asked Mr. Zeldin if he would describe climate change as an existential threat implying there must be an urgency to address it. Mr. Zeldin agrees that climate and resulting natural disasters must be addressed with urgency. Sen. Sanders said that climate change is a global crisis and asked Mr. Zeldin if he is prepared to represent the U.S. aggressively with relevant colleagues to engage countries around the world. Mr. Zeldin said it is very important to the EPA administrator to engage other countries to ensure there is pressure on other nations to do their part on such issues. Sen. Sanders asked Mr. Zeldin if he is prepared to work with China to try and lower carbon emissions. Mr. Zeldin it is important to work with counties the U.S. is most aligned with as well as countries that are consider the greatest competitors or in some cases adversaries. Sen. Sanders asked Mr. Zeldin if he can commit to working with him to ensure the Solar for All program is rapidly and effectively implemented around the country. Mr. Zeldin said it is his obligation to do so on the Solar for All program and any other law enacted by Congress.

Sen. John Curtis (R-UT) said that he is proud of the beauty and natural resources in Utah, and because of this Utahans have an inherent sense to want to take care of it all. Sen. Curtis thanked Mr. Zeldin for his support during their time in the House together, and that Mr. Zeldin was very helpful at getting Republicans to talk about climate. Mr. Zeldin said that there is a lot that should united Democrats and Republicans over making our environment better. Mr. Zeldin said the American people want us to find middle ground and be



pragmatic with how we approach issues. Sen. Curtis said that 80% of the Uinta basin methane that is registered does not come from traditional fossil fuel sources, rather the ground, but they are judged the same way. He said that the mountains they have in his state, unlike the “hills” that the east coast have, traps the methane into the basin. He said that they try to do what they can to reduce the emissions, but the bottom line is there is only so much that can be done because it is a natural effect, and asked Mr. Zeldin if the EPA would work with him on acknowledging this fact. Mr. Zeldin said he looks forward to working with everyone on the committee and knows that it is his duty to be accountable when he sits before them. He said that as EPA administrator, he wants to be able to help every state with their top priorities, and said he looks forward to visit Utah. Sen. Curtis said that more flexibility and better technology will be very helpful. Sen. Curtis also added that he looks forward to working on expediting approvals for chemicals that can replace PFAS.

Sen. Jeff Merkley (D-OR) said that one of his concerns is regarding the role of “paid influencers”, as Zeldin has been paid to write various op-eds. Sen. Merkley asked Mr. Zeldin if he could provide a copy of all of the op-eds he has done and how much he has been paid for those. Mr. Zeldin said yes, and said that he had provided it as part of his financial disclosures. Sen. Merkley said that he saw the financial disclosures but it wasn’t clear to him which op-eds the payments were for. He said he would like Mr. Zeldin to just tie the payments to the exact op-eds that were written so that the committee can have a very clear understanding. He said that the citizens deserve to know exactly what he stands for. Mr. Zeldin said that he provided all of that already. Sen. Merkley then asked Mr. Zeldin if he could assure everyone that none of the campaign donations he received from oil and gas companies during his career would impact his decisions as Administrator. Mr. Zeldin said that no donation he has received will ever influence any decisions he makes. Sen. Merkley then brought up plastic contamination, entering several studies into the record. Sen. Merkley asked Mr. Zeldin what is understanding was on the dangers of microplastic contamination and how they can cause certain diseases. Mr. Zeldin said he would like to investigate that further and appreciates the Senator’s passion for this issue. Sen. Merkley also asked Mr. Zeldin if he was aware that some plastic companies were trying to justify a process where they melt plastics down in a so-called “plastic recycling” process. Mr. Zeldin said that he was. Sen. Merkley asked if he was aware of all of the inaccuracies of this process. Mr. Zeldin answered that he needed to look into it more and is always open to hearing both sides of the story. Sen. Merkley said that there is a big narrative being pushed that plastics are “okay”, but it is Mr. Zeldin’s job as Administrator to protect the American people.

Sen. Dan Sullivan (R-AK) asked Mr. Zeldin to commit to visiting Alaska to see the important elements. Mr. Zeldin gave his commitment to visit Alaska. Sen. Sullivan discussed the Save our Seas Act and asked Mr. Zeldin to commit to working with him and the committee to continue the progress made on ocean cleanup. Mr. Zeldin committed to working on the issue. Sen. Sullivan asked Mr. Zeldin to commit to addressing the Clean Air Act and Clean Water Act laws with a scheme of cooperative federalism that provides an active and sometimes primary role for states. Mr. Zeldin said yes. Sen. Sullivan asked Mr.



Zeldin to commit to focusing on civil compliance rather than first escalating to armed enforcement. He asked Mr. Zeldin if he believed the EPA should have armed agents. Mr. Zeldin said there are people and entities owning property where there is mitigation that needs to be done, and they want to work with the government to do so. He said the EPA should be working with such people.

Sen. Mark Kelly (D-AZ) began by discussing air quality issues unique to the state of Arizona. He asked Mr. Zeldin to commit to being a strategic partner to ensure the new source review permits currently under review by the region nine office are prioritized. Mr. Zeldin gave his commitment. Sen. Kelly discussed two local rules submitted by Maricopa County which would provide alternative pathways for generating offsets for new permits for manufacturing facilities. He asked Mr. Zeldin if he would commit to ensuring the coordination between EPA and Maricopa County can continue with the goal of having both rules submitted approved as soon as possible. Mr. Zeldin said he cannot pre-judge approval outcome, but he is committed to working with Sen. Kelly and local partners. Sen. Kelly said Arizona is still trying to understand why the air quality in the state is declining and how to resolve the issue. He asked Mr. Zeldin to commit to help Maricopa County develop models to better understand why the air quality is getting worse and find solutions. Mr. Zeldin gave his commitment. Sen. Kelly asked Mr. Zeldin to commit to having the EPA, region nine the EPA Office of Transportation and Air Quality work with local Arizona officials to ensure attainment plans account for cross-border pollution. Mr. Zeldin gave his commitment. Sen. Kelly asked Mr. Zeldin to commit to working to find solutions to ensure regions throughout the Western U.S. are not penalized for emissions created by wildfire smoke. Mr. Zeldin gave his commitment.

Sen. Pete Ricketts (R-NE) said that rule of law is what binds the trust of the American people. He said that people's trust in the American government has been undermined during the Biden administration as they have tried to appease radical left-wing environmentalists. Sen. Ricketts then said that one of the things he was excited to discuss was the renewable fuel standard. He asked Mr. Zeldin if he could guarantee certainty for the markets and businesses on what the rules are, so they can plan and be prepared. Mr. Zeldin answered yes. He then asked Mr. Zeldin if he would make it so Americans would have access to Year-Round E15s. Mr. Zeldin said that he understands how important this issue is to Senator Ricketts and acknowledged that it is also important to President Trump. Sen. Ricketts said that it is very important that we get away from the Biden administration's way of tipping the scales to their solution. He said that is how he interprets them delaying the Renewable Fuel Standard. He said that we all want to reduce our impact on the environment, and renewable fuels are one way to do that. He said that the Biden administration wanted to go all in on electric vehicles, and while that can also be helpful, you can use both. He said that American innovation is how we improve our environment, and we need to allow Americans to do that. He concluded by saying that we need to stop taking a top-down approach where the government is pushing a one-size-fits-all solution on everyone.



Sen. Ed Markey (D-MA) started by quoting a statement Mr. Zeldin made in 2016, where he said that the key to reducing our emissions is to reduce our reliance on fossil fuels. Sen. Markey asked Mr. Zeldin if it was still his belief that we need to reduce our reliance on fossil fuels. Mr. Zeldin said that he supports an all-of-the-above energy strategy. Sen. Markey said that he didn't ask that; he wanted to know if he thinks we need to reduce our reliance on fossil fuels. Mr. Zeldin said that in an ideal world we would always be able to pursue the cleanest, greenest sources of energy possible. Sen. Markey said that he doesn't hear him saying that we need to reduce reliance on fossil fuels, so he assumes that Lee Zeldin doesn't agree with 2016 Lee Zeldin. Sen. Markey then asked him if he has seen the wildfires in California and the storms that have ripped through Georgia and the Carolinas. He said that the threat of climate change has not gone away since he said that in 2016. He then cited *Massachusetts vs. EPA*, a Supreme Court case that determined the EPA must regulate greenhouse gas emissions. He asked Mr. Zeldin if the EPA is obligated to regulate greenhouse gas emissions. Mr. Zeldin said that the EPA is authorized to do that. Sen. Markey said that it sounded like Mr. Zeldin was not accepting that it was the EPA's responsibility to manage greenhouse gas emissions. Mr. Zeldin said that he is just going off the text, and that he recalls that it authorizes, not obligates the EPA to this. Sen. Markey asked him if that means he isn't obligated to regulate greenhouse gas emissions that are contributing to all the recent natural disasters and have people in danger. Mr. Zeldin said people are absolutely in danger. Sen. Markey said that if people are in danger from the environment, Mr. Zeldin has an obligation to protect them in this role. Sen. Markey asked if Mr. Zeldin is going to protect the public from the damage that the fossil fuel industry causes. Mr. Zeldin said that the Supreme Court case does not say that. Sen. Markey said that the job of EPA Administrator is doing whatever they can to protect people from the impacts of climate change and that there has been a clear change in Mr. Zeldin's attitude since 2016. Sen. Markey said that Mr. Zeldin is refusing to acknowledge the fact that the fossil fuel industry is central to the acceleration of climate change.

Sen. John Boozman (R-AR) asked Mr. Zeldin to discuss the importance of being available and accessible to members of Congress so they can get the information they need. Mr. Zeldin said he wants every member of the committee to have the ability to contact him and share directly their concerns. He said wants to ensure there is a strong relationship between EPA and the EPW committee. Sen. Boozman asked Mr. Zeldin to describe how he envisions EPA and USDA working together to create a predictable, science based and efficient regulatory system that ensures timely availability of products and tools farmers and ranchers depend on. Mr. Zeldin said it is important that said relationship exists between all agencies including the EPA and USDA. Sen. Boozman asked how Mr. Zeldin will work with industries more collectively to ensure their concerns are addressed while maintaining a balanced approach to environmental protection. Mr. Zeldin said it is important that EPA is always fulfilling its obligations under the law. He said it is important for the EPA to hear from people who have substantive and informed feedback that allows the EPA to be able to better do its job and make better decisions.



Sen. Adam Schiff (D-CA) began by discussing the wildfires in California. He asked Mr. Zeldin to provide assurance to Californians that he will advocate the same strong recovery and response assistance from EPA that EPA provided to his former constituency of Long Island during Hurricane Sandy. Mr. Zeldin said if confirmed, he will do everything in his power to assist those devastated by the wildfires in California as quickly as possible. Sen. Schiff asked Mr. Zeldin if commits to prioritizing assistance to California to ensure the water supply is tested, treated and restored to safe drinking water by EPA standards as EPA did following wildfires in Maui. Mr. Zeldin gave his commitment. Sen. Schiff said he assumes the response of Mr. Zeldin if confirmed will not depend on whether a disaster strikes a state that is red or blue. Mr. Zeldin all 50 states will be of the highest importance regardless of where disaster strikes. Sen. Asked Mr. Zeldin to support EPA's Border Water Infrastructure program and to review EPA's January 7th decision to deny request to investigate the Tiawana Valley for a potential superfund designation. Mr. Zeldin agreed.

Sen. Cynthia Lummis (R-WY) thanked Mr. Zeldin for attending the hearing and said she enjoyed serving with him in the House. She started by asking Mr. Zeldin if he can assure that he will always follow all laws and statutes set by the Supreme Court, like from cases such as West Virginia vs EPA. Mr. Zeldin said that as EPA Administrator, following his obligations under law will always be top priority. Sen. Lummis asked him if the goal of the EPA is to have clean air, or to get rid of specific fuels. He said that the end goal of all EPA regulations should be having clean air and clean water. Sen. Lummis said that if we are going to be at the forefront of AI technology, we are going to need to rely on baseload energy. She said that the demands of AI for energy are going to be extraordinary. She said that we need to provide that energy so that the US can remain the leader in the development of AI technology. She said that in doing so, we want to look for the cleanest ways, but this can mean finding the cleanest ways to use fossil fuels. She pointed out that natural gas in the U.S. is incredibly clean compared to other countries. She said we need to find the cleanest ways to utilize our baseload energy. She said that she would love to invite him to Wyoming to show him how carbon capture and carbon sequestration can be used to make fossil fuels cleaner. She said that her next question was regarding small refineries. She prefaced with the fact that some small refinery projects are way behind on getting approved and asked him if they could work together to expedite these projects if he becomes Administrator. He answered he would. She then asked if he would ensure that EPA policies on PFAS would be effective while protecting passive receivers from lawsuits and consumers with unreasonably high utility bills. He said that he saw this issue in his home county, where consumers ended up taking on PFAS clean up costs, and would certainly be active in helping her with this issue.

Sen. Angela Alsobrooks (D-MD) congratulated Mr. Zeldin for his nomination and thanked him for coming in, Sen. Alsobrooks said that she enjoyed meeting with him and would be asking him some familiar questions. She started by asking him whether protecting bodies of water is a shared responsibility between the states and the federal government. Mr. Zeldin answered yes. She then asked if he would advocate for robust regional restoration efforts across the country, including Chesapeake Bay in her home state of Maryland, and



the National Estuary Program. Mr. Zeldin said that ultimately, the spending levels would be determined by Congress, and it would be his responsibility to make sure that funding was spent to Congress' intent. She said that the EPA has determined that no level of lead is safe in water. She said that the Bipartisan Infrastructure Law, that he opposed while in Congress, made historic investments in removing lead from our waters. She asked him whether he would build on the successes of the Bipartisan Infrastructure Law and support additional funding to prevent lead contamination in our water supply. Mr. Zeldin said he would answer the same as the previous question, that those determinations are ultimately made by Congress. He said that his commitment is that the money is spent based on how it was appropriated by Congress. Sen. Alsobrooks asked him if he recognized that lead in water is a problem, particularly for children. She asked if he would be cutting any funding as Administrator. Mr. Zeldin said that he would not be cutting any funding personally, it is the decision of Congress, and it is his duty to execute that intent. Sen. Alsobrooks then said that with the new Department of Government Efficiency, 75% of EPA employees were at risk of losing their jobs based on Elon Musk's plan. She said that many of these workers are in Maryland. She asked Mr. Zeldin if he supported this reduction in the EPA workforce. Mr. Zeldin answered that to his knowledge, not a single EPA worker has been removed. He said that may not be the same for other agencies, but he is not aware of any layoffs within the EPA. He said that his goal as Administrator is to maximize productivity and efficiency in the EPA. Sen. Alsobrooks also asked him whether EPA headquarters should be moved out of DC. Mr. Zeldin answered that he was not aware of any efforts to move the EPA out of DC.

Sen. Lindsey Graham (R-SC) asked Mr. Zeldin to describe what he does in his capacity as Lt. Colonel in the Army Reserves. Mr. Zeldin said he is currently an international law officer for a civil affairs command based in Fort Wadsworth, New York. Sen. Graham asked Mr. Zeldin why he served on the bipartisan climate solutions caucus during his time as a member of Congress. Mr. Zeldin stated that the constituents he represented emphasized the importance of ensuring he was doing all he could to fulfill their priorities. Sen. Graham asked if the approach to the wildfires in California should include considering the lessons learned from previous natural disasters the country has faced. Mr. Zeldin said the EPA must look at previous situations and learn where it can do better. Sen. Graham asked Mr. Zeldin if he believes nuclear power should be a part of conversations regarding the environment. Mr. Zeldin said yes. Sen. Graham asked how the U.S. can get large economies like China and India to adopt better policies regarding emissions. He asked Mr. Zeldin if he was open to the idea of charging fees to countries who do not utilize environmentally conscious practices. Mr. Zeldin stated that the U.S. has multiple points of international power, and all instruments of international power should be used to deal with adversarial entities across the spectrum of issues facing the country. Sen. Graham asked Mr. Zeldin if he is open to pushing China and India to do better as it relates to the environment. Mr. Zeldin said yes.

Sen. Roger Wicker (R-MS) began by asking Mr. Zeldin to commit to using his capacity as Administrator, if confirmed, to help Desoto County through his authority, subsidies loans and other mechanisms with the creation of their own wastewater system. Mr. Zeldin gave



his commitment. Sen. Wicker discussed the Pearl River Flood Control project in Jackson, Mississippi. He asked Mr. Zeldin if he agrees that local sponsors should be involved in discussions, scheduled meetings and activities related to finding solutions as the process of approving the project advances. Mr. Zeldin said yes and that he would like to travel to Mississippi to hear from the local sponsors directly. Sen. Wicker discussed a good-neighbor rule released by the Biden Administration that seeks to penalize Mississippi for upwind pollution top Dallas and Houston.

Sen. Alex Padilla (D-CA) acknowledged the positive conversation Mr. Zeldin had with Sen. Schiff about the wildfires in California and EPA's role in the response and ongoing need. He discussed California's Clean Air Act exemptions and asked Mr. Zeldin if he would commit to following the law regarding the waivers California had been granted under the Clean Air Act. Mr. Zeldin committed to following his obligations under the law but would not prejudge any outcomes on future issues. Sen. Padilla raised the challenges of clean air attainment in California and nationally. He stated that the federal government needed to do its part by working more assertively and strategically to help reduce emissions and reach attainment. He asked Mr. Zeldin to commit to use regulatory authority to do that and Mr. Zeldin committed to do so. Sen. Padilla added that jurisdictions like southern California should not be punished for nonattainment if it is the result of a natural disaster such as wildfires. Mr. Zeldin said it is important to have common sense and pragmatic policies to address these concerns. Sen. Padilla emphasized that long-term impacts to public health because of natural disasters were yet to be known. He spoke about water affordability and increased water utility costs. He shared an idea of replicating the Low-Income Home Energy Assistance Program (LIHEAP) for water from the current temporary program to a permanent one and asked Mr. Zeldin to work together on it. Mr. Zeldin said access to clean drinking water was important and said he would work with the senators to ensure that every American has that.

Sen. Jerry Moran (R-KS) discussed the Kansas oil and gas industry, the small businesses that produce there and the EPA one size fits all rules that harm them. He asked for Mr. Zeldin's commitment to work with small producers to find the right sized regulations for their industry. Mr. Zeldin said he wanted to meet providers to receive insight and collaboration to make him better at his job. Sen. Moran spoke about the Sustainable Aviation Fuel (SAF) caucus and his desire to combine Kansas' agricultural and aviation industries. He asked Mr. Zeldin for his support in pursuing opportunities to develop the technology and regulations that come with that. Mr. Zeldin said he looked forward to that. Sen. Moran highlighted the importance of clean water and drinking water state revolving funds and the challenges they face in smaller communities. He asked Mr. Zeldin to commit to continuing to support robust funding for the state revolving funds. M. Zeldin said he would according to the funding levels set by Congress. Sen. Moran said Mr. Zeldin should be a voice within the administration as OMB prepares the budget and makes decisions as Presidential budgets are useful. He expressed interest in the national security aspects of



energy and asked if there was any role for EPA to play within the critical minerals world. Mr. Zeldin said there was and President Trump had discussed an energy council of agencies working together that would review permitting reform and other issues.

Sen. Lisa Blunt Rochester (D-DE) expressed her gratitude to the warm welcome from Chair Capito and the committee, former Senator Carper for his role in the committee, and to Mr. Zeldin for coming in and meeting with her previously. She said the EPA has been a very important partner for Delaware, and she hopes to bring in a candidate who will continue to be supportive to the state. She said that she was pleased with her conversation with Mr. Zeldin and how he clearly acknowledged the problem of climate change and his intent to protect the environment. She said Delaware especially feels the impacts of climate change as it is low lying and coastal. She said that it is very similar to the district that Mr. Zeldin represented in New York. She asked Mr. Zeldin what he would do to protect these low-lying coastal communities. Mr. Zeldin said that this is very important, and it is going to be crucial to have interagency cooperation for this. He said that he will certainly travel to states like the Senator's to hear feedback and use that to inform his decisions. Sen. Blunt Rochester asked if it is still his position that the EPA's duty is to protect the health of the public and the environment. He said yes. She then asked if he would support policies that promote clean air and water. He answered yes again. She asked Mr. Zeldin how he will help rural communities who need updates to their water systems, as well as restoration projects. Mr. Zeldin said that Congress has approached these issues in creative ways, and he looks forward to doing his part in getting these communities what they need and working with local and state governments. Sen. Blunt Rochester said that she hopes to continue working with him and potentially make the LIHEAP program permanent.

Chair Capito started by expressing her belief that Lee Zeldin is a very qualified candidate for the EPA. She then said she wanted to discuss Class VI wells, which are very important for advancing carbon capture. She said that Congress granted EPA funding through the IIJA for the EPA to grant state primacy for Class VI wells, however, only 3 states have been granted Class VI primacy, and there are 150 applications still waiting for approval. She asked him if he would ensure the timely approval of West Virginia's application and work close together as a resource rather than a barrier. Mr. Zeldin answered yes. She then brought up permitting reform and expressed her appreciation that the Ranking Member brought it up before. She said that permitting has been holding up energy projects across the board, and we need to speed up the process to modernize and continue to build. She said that she believes this is the same view as the Trump administration. Chair Capito then asked him what opportunities there are for EPA to establish a more efficient permitting process. Mr. Zeldin said that he could see the EPA speeding up things like environmental impact statements. He also mentioned that he could see Congress making changes to items under EPA jurisdiction. He said he will do his part to make sure the EPA isn't holding up permits that should be approved. Chair Capito said that speeding up the permitting process doesn't mean we need to skirt environmental protection, we just need to make the process more efficient. She then mentioned the Muddy Creek Restoration Project, which was initially championed by the Biden administration, but has now flip-flopped on it. She said



with permitting getting held up it prevents their efforts and discourages other similar projects. She asked Mr. Zeldin if he would work with her to cut the red tape here and get rid of all of the counter productive measures in place. Mr. Zeldin said that he looks forward to working with her on this once he is confirmed.

Ranking Member Whitehouse stated that prominent voices in the sphere of President-elect Trump officials have said it is important to traumatize EPA's workforce as means of driving them out, cut EPA's workforce by two-thirds or more, and to destroy the professional civil service protections of EPA's workforce. He asked Mr. Zeldin how he responds to such threats. Mr. Zeldin said his desire, if confirmed as Administrator, is to increase EPA's productivity and to help lead the agency in a way that lends to bipartisan support. He stated that he is seeking maximum collaboration with Congress and internally within the EPA. Ranking Member Whitehouse discussed prominent donors and board members of the America First Works. He asked Mr. Zeldin how he would be able to separate himself from the interest and influence of those major donors when and if they demand things they believe they have earned politically. Mr. Zeldin expressed his confidence in being able to serve as Administrator free of outside influence on the decisions he will make regardless of the amount of money involved.

Sen. Sullivan stated that the reason the U.S. is the leader in the reduction of global emissions is due the revolution of the production of natural gas rather than EPA regulations. Sen. Sullivan asked what happens when the U.S. exports natural gas around the world. Mr. Zeldin said global emissions decrease. Sen. Sullivan asked Mr. Zeldin to commit to work with the Congress and private industry on innovation that can help power America, power American allies, produce American energy and lower global emissions. He asked for his commitment to work on a large-scale LNG project in Alaska that would reduce the trade deficit by billion and produce thousands of American jobs through the exportation of Alaska natural gas to Asian allies. Mr. Zeldin gave his commitment. Sen. Sullivan discussed how resource development impacted life expectancy in Alaska. He asked Mr. Zeldin to commit to working with him on resource development in Alaska. Mr. Zeldin gave his commitment.

Sen. Kelly discussed the issue of abandoned uranium mines and the bureaucratic process of the superfund law that delays their clean up. He highlighted the Legacy Mine Clean up Act and asked Mr. Zeldin to commit to having his team review the legislation so they can incorporate EPAs feedback prior to introducing the bill. Mr. Zeldin agreed. Sen. Kelly asked Mr. Zeldin to commit to ensuring the issue of abandoned uranium mines remains a priority for the EPA, and Mr. Zeldin agrees. Sen. Kelly spoke about PFAS, the contamination of the backup groundwater in Phoenix and Tuscon, and EPA region 9's continued partnership in resolving the issue. He asked Mr. Zeldin to commit to working with his team and the city of Tuscon to address the PFAS contamination, and Mr. Zeldin agreed.

Sen. Ricketts said Mr. Zeldin would have to work to reestablish the credibility of and trust in the EPA, and he expected him to do so through accountability. He noted no funding had



been allocated to the office of the inspector general for oversight of IRA mandates. He asked Mr. Zeldin to investigate whether the funds were spent appropriately and the remaining funds were called back. Mr. Zeldin agreed. Sen. Ricketts spoke about the EV mandate from the IRA and the lack of widespread EV charging infrastructure. He asked Mr. Zeldin to commit to rolling back the mandates. Mr. Zeldin said it was his obligation to follow the law, and he was not allowed to prejudge outcomes going into rulemaking, but he had heard concerns about looking at current rules. Sen. Ricketts highlighted the Supreme Court Sackett v. EPA decision, asserting it was a clear directive to narrow the federal jurisdiction of the Clean Waters Act and the lack of certainty from the Biden administration about what fell under federal jurisdiction. He asked Mr. Zeldin if he planned on providing clear guidance about the waters. Mr. Zeldin said it was the responsibility of the EPA to provide clear and durable guidance about the waters. Sen. Ricketts emphasized that the Clean Water Act said navigable waters.

Sen. Markey stated there was no EV mandate, rather a technology neutral clean car standard. He spoke about Project 2025's proposal to eliminate the office of compliance and assurance at the EPA and asked Mr. Zeldin if he agreed with that proposal. Mr. Zeldin stated he had never read Project 2025, and he did not agree with the elimination of the office. Sen. Markey discussed the EPA clean car rule's projected benefits. He asked Mr. Zeldin if confirmed he intended to begin rulemaking to undermine the clean car standards. Mr. Zeldin said he could not announce any new rules, and he planned on following his obligations under the law and did not prejudge the outcomes heading into that process. Sen. Markey reiterated the benefits of the standard and discussed RFK JR.'s assertion that they were mass poisoning an entire generation of children through pesticides. He asked if Mr. Zeldin agreed with the assertion and Mr. Zeldin welcomed the opportunity to read through the research on the issue prior to drawing his own conclusion. Sen. Markey said it was a serious question, and he hoped that HHS and EPA would work together to come to a solution. He described the benefits of the IRA and BIL investments and asked if Mr. Zeldin would ensure that EPA's ongoing implementation of grants that have already been awarded under existing laws are not impeded. Mr. Zeldin said his commitment was to follow the law and he needed to get his head wrapped around the current distribution of grants. Mr. Zeldin expressed concerns about the grants being rapidly distributed prior to the inauguration. Sen. Markey stated that 80% of the grants had gone to republican districts and asked for a presumption of innocence for the decisions being made. Mr. Zeldin said he wanted to be able to account for where the funds are going and said he would assume that the grants were following the law.

Sen. Schiff spoke about lead plumbing in Los Angeles County, the health threat that poses due to high levels of lead poisoning, as well as the EPA rule to identify and replace all lead pipes within ten years. He asked Mr. Zeldin if he would continue the work of the EPA to help communities replace lead pipes. Mr. Zeldin said he would. Sen. Schiff spoke about the EPA's twelve longstanding geographic programs that help communities with habitat loss,



pollution and climate change. He highlighted the work to include the Salton Sea in California with the Great Salt Lake as part of the geographic program designation. He asked Mr. Zeldin to pledge to consider adding the Salton Sea to one of the geographic programs. Mr. Zeldin said he would. Sen. Schiff addressed the issue of air quality in California in the breadbasket of America. He spoke about the vital work of the EPA through projects aimed at improving air quality. He asked Mr. Zeldin if he supported investments, like those made by the EPA in the San Joaquin Valley to improve air quality there. Mr. Zeldin said to the maximum extent possible under the law he could assist he would, but noted he may need to defer to congress for investments in the future. Sen. Schiff spoke about the challenges in California regarding drinking water due to pollution and depletion of aquifers resulting in manganese. He stated his desire to work with Mr. Zeldin if confirmed to ensure that California has access to clean drinking water. Mr. Zeldin emphasized the importance of the issue and the right to access clean, potable water for all Americans.

Chairwoman Capito brought the hearing to a close.