

TESTIMONY OF ADMINISTRATOR GINA MCCARTHY

House Committee on Science, Space and Technology

July 9, 2015

Chairman Smith, Ranking Member Johnson and Members of the Committee, thank you for inviting me to testify today on the Environmental Protection Agency's regulatory efforts. The mission of EPA is protection of public health and the environment, and the Agency's regulatory efforts are in furtherance of those goals. We are guided in meeting those goals by science and by the law which serve as the backbone for each of the Agency's actions. I will focus my comments today on providing more detail for three rules which will provide tremendous benefits to the public health and the environment.

Clean Water Rule

Approximately 117 million Americans – one in three people – get their drinking water from streams fed by waters that lacked clear protection and about 33 million Americans fish, swim and boat in waters that were vulnerable to pollution. Recently, the agency finalized the Clean Water Rule which will help to protect these waters which are vital to our health and economy.

What the Clean Water Rule does is simple: it protects clean water, and it provides clarity on which waters are covered by the CWA so they can be protected from pollution and destruction.

The rule provides clearer definitions to establish waters that are jurisdictional by rule and limit the need for case-specific analysis. It makes clear that the rule applies only with respect to discharges of pollutants to the covered water; you don't need a permit if you don't discharge pollutants in a covered water.

This rule not only maintains current statutory exemptions for normal agricultural activities, it expands regulatory exclusions to make it clear the rule does not add any additional permitting requirements on agriculture.

In developing the rule, we held more than 400 meetings with stakeholders across the country, reviewed over one million public comments, and listened carefully to perspectives from all sides.

In addition to the Clean Water Rule, the Agency is in the process of completing two significant air pollution rules.

Ozone NAAQS

Because the air we breathe is so important to our overall health and well-being, the Clean Air Act requires EPA to review the National Ambient Air Quality

Standards (NAAQS) every five years to make sure that they continue to protect public health with an adequate margin of safety. Based on the law, a thorough review of the science, the recommendations of the agency's independent scientific advisors, and the assessment of EPA scientists and technical experts, my judgment was that the current standard of 75 parts per billion is not adequate to protect the public health. In November 2014 EPA proposed to strengthen the standard to within a range of 65 to 70 parts per billion to better protect Americans' health and welfare. We invited comments on all aspects of the proposal, including on alternative levels as low as 60 parts per billion, and acknowledged interest among some stakeholders in offering comment on retaining the existing standard. The Agency is currently reviewing the comments we received and we will issue a final rule by October 1, 2015.

Clean Power Plan

This summer EPA will be finalizing the Clean Power Plan which will cut carbon pollution from the power sector – the largest stationary source of CO₂ emissions in the country. In crafting this proposal, EPA sought to provide a range of flexibilities that would cut carbon emissions while maintaining affordable electric power and safeguarding system reliability. Climate change is affecting communities across the United States now, and impacts will increase in the future, burdening our children and grandchildren with health and economic challenges.

EPA's unprecedented public outreach effort and the 4.3 million comments we received have provided a tremendous amount of information and we expect to make changes to the proposal to address many of the issues that have been raised. A key theme of what EPA has heard – before proposal and during the comment period – is the importance of designing the rule in a way that respects both the urgency of dealing with climate change as well as the time it takes to plan and invest in the electricity sector in ways that ensure both reliability and affordability. We have paid close attention to those and other comments and will finalize a rule that takes them into account.

I again thank the Committee for inviting me to speak on the Agency's efforts to use the best available science to implement our nation's environmental laws to protect public health and the environment. I look forward to your questions.