

Senator Shelley Moore Capito's Opening Statement
U.S. Senate Committee on Environment and Public Works
Hearing on the Nomination of Michael Regan to be EPA Administrator

As prepared for delivery

Thank you, Chairman Barrasso, for your leadership today and over the last two Congresses.

We have accomplished a lot on a bipartisan basis in just the last few months.

This included President Trump signing a number of pieces of legislation into law:

- *America's Water Infrastructure Act*, a two-year WRDA bill;
- The *USE IT Act*, which supports carbon capture, utilization and sequestration projects and will accelerate country's development of these projects and associated CO2 pipelines;
- The *Diesel Emissions Reduction Act*, which reduces emissions through voluntary grants to states and private parties; and
- The *American Innovation and Manufacturing Act*, or AIM Act, which will reduce emissions of HFCs used in air conditioning and refrigeration.

This spirit of bipartisanship is one I intend to maintain and foster.

And from our conversations, I know that Senator Carper feels the same.

Our most pressing focus this Congress will be passing a five-year highway bill.

That is a tall order but one where this Committee already has a record of success.

We reported a highway bill out of the Committee last Congress on a 21-0 vote.

I look forward to working with our Committee members again this Congress.

We must give states certainty in infrastructure investments.

With that optimistic introduction, I welcome Secretary Michael Regan, nominee for EPA Administrator, to our Committee today.

Congratulations on your nomination.

I look forward to this opportunity to get to know you better and discuss your position on important environmental issues.

While I am encouraged by the continued bipartisanship among members of our Committee, I am deeply concerned by the direction that the Biden administration has taken in its first few weeks of office.

And I want to understand your position on these policies.

While President Biden has campaigned on promises of unity, his policies are anything but that so far.

President Biden is issuing a barrage of Executive Orders without any input from Republicans.

He has killed the Keystone XL pipeline and threatened thousands of jobs.

He has put us back in the Paris Agreement.

His administration has doubled down on its desire to financially support other countries' climate goals while our own country faces economic hardship.

He has ordered agencies across the federal government to examine and uproot critical regulatory reforms, including several within the jurisdiction of the EPA, even without an administrator in place.

Executive Order 13990 directs the EPA to consider suspending, revising, or rescinding major rules put in place by the Trump administration. Those rules include regulations on methane emissions; the Safer Affordable Fuel Efficient Vehicles Rule; and the cost-benefit and science transparency policies.

The writing is on the wall: the Biden administration wants to double down on the Obama-era EPA's job-killing regulatory agenda.

The fate of two other rules currently in litigation are of particular importance to me: the Affordable Clean Energy (ACE) Rule and the Navigable Waters Protection Rule.

Any attempted replacement of the ACE Rule with the illegal Obama-era Clean Power Plan or something like it, or any attempt to replace the Navigable Waters Protection Rule, would be devastating to the economy of West Virginia.

Executive Order 13990 also directs a revisiting of improvements made by the previous administration to National Environmental Policy Act regulations to expedite infrastructure delivery.

It will be hard to "Build Back Better" if we can't build anything, anywhere, at all, ever.

The Biden administration followed its Day One actions with an onslaught of additional fiats laid out in a lengthy climate executive order last week.

President Biden has decided to take this course without any semblance of bipartisanship.

Equally disturbing he has done so before we have even had an opportunity to hold hearings on the nominees, like our nominee today, Secretary Regan.

Mr. Regan and other nominees at the Environmental Protection Agency, Council on Environmental Quality, Department of Energy, Department of Interior, and elsewhere are the ones accountable to Congress.

They are the ones Congress directed to write regulations and set policies according to the laws Congress has written.

Gina McCarthy and John Kerry have already established themselves as the unconfirmed and unaccountable czars on climate, as they made clear during last Wednesday's White House press pool briefing.

This new Biden-Harris administration is shaping up to be the third term of the Obama administration in its familiar cast of characters and policies.

Under Gina McCarthy's leadership at EPA during the Obama-Biden administration, the Agency refused to even come to my home state of West Virginia to hear about the impacts of their illegal Clean Power Plan.

And in her new role, no longer requiring Senate confirmation, McCarthy and other key personnel don't seem to have changed their perspective.

They take actions and then promise to listen later.

Do you know what President Biden's plan is for energy communities that would be devastated by his executive actions?

Set up interagency working groups.

That's right, get a bunch of federal government officials together to talk about how much they're hurting energy-rich communities in West Virginia, Wyoming, Oklahoma, Pennsylvania, and other states across the country.

That's unacceptable.

President Biden talks about environmental and economic justice.

Where is the justice for the communities shaken by unemployment, drug addiction and hopelessness from misguided policies?

Mr. Regan, I want to hear your reactions to the president's announced plans and what you think the right direction is for the Environmental Protection Agency.

We have received praise for your work in North Carolina from many in the agricultural community.

They have said you have demonstrated a willingness to engage and work with them.

That said, we have also seen your strong statements about the energy sector that give me pause.

You stated, for example:

"North Carolina's clean energy future is not dependent on adding more natural gas infrastructure..."

I would like to hear if you believe we should be investing in natural gas production and infrastructure anywhere outside of North Carolina.

I know we all look forward to discussing these and other topics with you today.

I will now turn to the Ranking Member for his statement.