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NOMINATIONS CONSIDERED DURING THE SECOND SESSION OF THE 106th CONGRESS

HEARINGS

BEFORE THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

ON

THE NOMINATION OF **ERIC D. EBERHARD** TO BE A MEMBER, BOARD OF TRUSTEES, MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION—**FEBRUARY 3, 2000**

THE NOMINATION OF **W. MICHAEL McCABE** TO BE DEPUTY ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY—**FEBRUARY 3, 2000**

THE NOMINATION OF **ELLA WONG-RUSKINKO** TO BE AN ALTERNATE FEDERAL CO-CHAIR, APPALACHIAN REGIONAL COMMISSION—JUNE 13, 2000

THE NOMINATION OF **ARTHUR C. CAMPBELL** TO BE ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT, DEPARTMENT OF COMMERCE—JUNE 13, 2000

THE NOMINATION OF **JAMES V. AIDALA** TO BE ASSISTANT ADMINISTRATOR FOR PREVENTION, PESTICIDES, AND TOXIC SUBSTANCES, ENVIRONMENTAL PROTECTION AGENCY—JUNE 13, 2000

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NOMINATIONS OF ERIC D. EBERHARD AND W. MICHAEL McCABE

THURSDAY, FEBRUARY 3, 2000

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 11:15 a.m. in room 406, Senate Dirksen Building, Hon. Robert Smith (chairman of the committee) presiding.

Present: Senators Smith, Chafee, Baucus, Lautenberg, Wyden, Thomas, and Chafee.

OPENING STATEMENT OF HON. BOB SMITH, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Senator SMITH. The hearing will come to order. Good morning, ladies and gentlemen. Good morning, Mr. McCabe and Mr. Eberhard.

The purpose of the hearing this morning is to consider the two nominations here in question. I apologize for the delay, but we did have a vote on the Senate Floor on Alan Greenspan.

As the new Chairman of the committee, I plan to hold a series of oversight hearings on the EPA budget, the prioritization of resources, and overall performance, so I will be looking forward to working with you gentlemen in that regard. We do have some questions—some for the record, and some may be here in person—and I hope we will be able to get those answers resolved here this morning.

From my own point of view, I think both of these gentlemen are very well qualified for their positions. I haven't heard of any registered opposition at this point, so I welcome you both today.

[The prepared statement of Senator Smith follows:]

STATEMENT OF HON. BOB SMITH, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Good morning. The purpose of today's hearing is to consider two nominations.

The first nomination is that of W. Michael McCabe nominated to serve as Deputy Administrator of the Environmental Protection Agency.

As the new chairman of the committee, I plan to hold a series of oversight hearings to examine EPA's budget, prioritization of resources, and overall performance.

My colleagues and I have a number of questions for Mr. McCabe today on EPA-related concerns that I hope he will be able to answer for us.

The second nomination is that of Eric D. Eberhard nominated to serve as a Member of the Board of Trustees for the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

I am pleased to report that Mr. McCabe and Mr. Eberhard are well qualified for their positions.

I welcome them today and I also welcome Senator Biden, who is here today to introduce Mr. McCabe.

The President has nominated W. Michael McCabe to serve as Deputy Administrator of the Environmental Protection Agency. The Deputy Administrator for EPA works with the Administrator to provide Agency leadership and is the Acting Administrator in the Administrator's absence.

Mr. McCabe has served as EPA's Acting Deputy Administrator since last November.

Formerly, Mr. McCabe was Regional Administrator of the EPA's Region 3 where he lead the implementation of Federal environmental programs in the Middle Atlantic states.

He also has worked for Senator Biden of Delaware as Communications and Projects Director and advisor on Delaware issues, and as Staff Director of the House Energy Conservation and Power Subcommittee.

He received a B.A. from Duke University.

He is accompanied today by his wife, Maria.

The President has nominated Eric D. Eberhard to serve as a Member of the Board of Trustees for the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation.

Currently, Mr. Eberhard is a partner at Dorsey & Whitney where he practices in the areas of Federal Indian Law, Environment and Natural Resources, Gaming and legislation.

Formerly, he was Staff Director and Counsel on the Senate Committee on Indian Affairs and Minority Staff Director and Counsel for the committee.

He served for 2 years as Legislative Counsel for Senator John McCain of Arizona.

Mr. Eberhard received a B.S. in Political Science from Western Reserve University, a J.D. from the University of Cincinnati College of Law, and a LL.M. from George Washington University National Law Center.

The Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation was established by Congress in 1992 to educate and prepare a new generation of Americans in effective environmental public policy conflict resolution. Based in Tucson, Arizona, the Foundation's activities are supported by the interest accrued in a Federal trust fund and contributions from the private sector.

Now we will hear the statements of other committee members. Then Senator Biden will introduce Mr. McCabe and we will hear testimony from our nominees.

Senator SMITH. I understand that Senator Biden is coming, Mr. McCabe, to introduce you formally, so let me just go a little bit out of order. Actually, Mr. Biden is coming in right now.

Joe, I have a little bit of a problem here on your side. Frank needs to leave to go to Budget. Do you want to do your introduction, and then I can call on Frank?

Senator BIDEN. Whatever suits you. I have all the time in the world.

Senator SMITH. All right. I'll call on Senator Lautenberg.

OPENING STATEMENT OF HON. FRANK R. LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Senator LAUTENBERG. I was going to vote one way, but having Senator Biden here has caused me to rethink my vote.

[Laughter.]

Senator SMITH. Senator Lautenberg?

Senator LAUTENBERG. Thanks very much, and thanks, Senator Biden.

I know that Michael McCabe has had a lot of contact with Joe Biden, and he comes with exceptional qualifications, as does Mr. Eberhard. I'm sorry I can't stay, but the position of the EPA Deputy Administrator is one of the great "unsung hero" jobs, and it's the Deputy who brings order to the far-flung Agency of 18,000 employees. It is the Deputy who oversees work on the several major

statutes we have passed, and if the Deputy doesn't do his or her job properly, EPA can't help but fall short of our expectations.

That's why I am so pleased and excited about the nomination of Michael McCabe. As Regional Administrator for EPA's Mid-Atlantic Region since 1995, Mr. McCabe has managed a unit that is a microcosm of the whole Agency. He has managed air, water, waste, Superfund, right to know programs, and he served as a bridge between the Mid-Atlantic States and the EPA Headquarters. From all accounts he has done a terrific job.

As we know, Mr. McCabe has worked with our colleague and friend from Delaware—it should not be held against him——

[Laughter.]

Senator LAUTENBERG [continuing]. It's very good experience for anyone in line for the job of Deputy Administrator. He has proved that he has broad shoulders, because if he can take working with Senator Biden like that, he had to have broad shoulders.

So we are pleased at the prospect that Mr. McCabe is going to be in that position and that he will do an outstanding job in a very important and demanding post, and I look forward to working with him on bipartisan legislation.

I know that we will move some things this year, Mr. Chairman, and also I want to congratulate Mr. Eberhard on bringing the qualifications that he does to the Morris K. Udall Foundation.

I thank all of my colleagues for letting me interrupt the process, particularly the Chairman.

[The prepared statement of Senator Lautenberg follows:]

STATEMENT OF HON. FRANK LAUTENBERG, U.S. SENATOR FROM THE STATE OF NEW JERSEY

Mr. Chairman, the EPA Deputy Administrator is one of the great unsung heroes. It is the Deputy who brings order to a far-flung Agency of 10,000 employees. It is the Deputy who oversees work on the several major statutes we have passed.

If the Deputy is not doing his or her job right, EPA can't help but fall short of our expectations.

That is exactly why am so excited about the nomination of Michael McCabe. As Regional Administrator for EPA's Mid-Atlantic Region since 1995, Mr. McCabe has managed a unit that is a microcosm of the whole Agency.

He has managed air, water, waste, Superfund, and Right-to-Know programs. He has served as a bridge between the mid-Atlantic states and EPA headquarters. From all accounts, he has done a terrific job.

And as we have heard, Mr. McCabe has worked with our friend and colleague from Delaware—again, very good experience for anyone in line for the job of Deputy Administrator.

I believe Mr. McCabe will do outstanding work in a very important and demanding job. look forward to working with him on the bipartisan legislation know we will move this year. Thank you, Mr. Chairman, for being so quick to move his nomination through our committee. I hope we can keep that momentum going, and put this good man to work.

Senator SMITH. All right, thank you, Senator Lautenberg.

Senator Baucus, do you have any opening remarks?

OPENING STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Senator BAUCUS. Yes, Mr. Chairman, first to congratulate you on your first DC hearing with this committee. I know you had a hearing in Florida which I was unable to attend, but this is your first hearing as Chairman, and I look forward to a good, prosperous year working with you, and I congratulate you.

Senator SMITH. Thank you.

Senator BAUCUS. Also I congratulate these nominees and thank them for their dedicated service in the past, and their continued service in their new positions.

You have a lot of work ahead of you. You are not going to be thanked very much by people, but—as with all of us—the gratitude and fulfillment comes from doing the best we can. We think that we are helping to make life better for a lot of people. I compliment you on that. This is interesting, that you are here for the Chairman's first hearing. You will be confirmed, and I hope very quickly. I hope that is a harbinger of how this committee is going to operate and how the Senate is going to operate.

Congratulations and good luck, and if you have any questions, just let us know how we can help you.

Senator SMITH. Thank you, Senator.

Does anyone else have an opening statement prior to turning to the witnesses? Hold your questions if you have them, but if you have an opening comment?

OPENING STATEMENT OF HON. RON WYDEN, U.S. SENATOR FROM THE STATE OF OREGON

Senator WYDEN. Mr. Chairman, I will be brief as well. I don't want to turn this into a bouquet-tossing contest, but I, too, want to join in extending good will, and thank you for the opportunity to work with you. We've worked on a whole host of issues—Federal facilities, the streamlining of the ISTEA permitting process where you win in terms of both the environment and in terms of the economy.

Mike McCabe is a terrific guy. I have some questions that are important for my State in a minute or two, but we had a chance to work closely with him in the House when he was at the Energy and Commerce Committee. So I think he's going to be a tremendous asset to the Federal Government and will continue the kind of bipartisan approach that we've tried to follow, first with Chairman Chafee and Senator Baucus, which you've told me you want to continue. So it's going to be an exciting time, and I look forward to working with you.

Senator SMITH. Thank you very much, Senator Wyden.

Why don't we start with you, Senator Biden, to introduce Mr. McCabe.

STATEMENT OF HON. JOSEPH BIDEN, U.S. SENATOR FROM THE STATE OF DELAWARE

Senator BIDEN. Thank you, Mr. Chairman. My congratulations to you as well. You and I are always characterized as being on opposite sides of the ideological spectrum. I don't want to ruin your reputation, but we've been friends and I have great respect for you. I appreciate your having this hearing in as timely fashion as you have.

Let me say that although I am here to speak for Mike McCabe, Mr. Eberhard, from what I know of his record, is completely suited for the job. It makes me feel very old, though, to realize that I served with Morris K. Udall, and now you are about to become a

Board Member of a foundation named after him and all that he has done.

Mr. Chairman, I want to thank you and the committee for allowing me the opportunity to be here today to introduce Mike McCabe as we move forward with his nomination to become Deputy Administrator of the Environmental Protection Agency. I have known Mike for almost 30 years, starting in 1972 when he volunteered to work with me as a 29-year-old kid—I was 29, and he was younger than that—in a campaign for the Senate. His work during that campaign distinguished him immediately. After my election, while still a student at Duke University, I asked Mike to join me as one of my first interns—that's dating you, Mike, but I think you may have been the first, if not one of the first.

Not surprisingly, Mike's first project as a young intern in my office was to research the environmental impacts of the construction of a proposed project along the Delaware River. That's in the beginning when we had a Republican Governor who did a very fine thing, in my view, who set up a thing called the Coastal Zone Act. It was very controversial, but now it is totally embraced by everyone, including business, in my State.

From the start, Mike's interest and dedication in the preservation and restoration and improvement of our environment was clear, compelling, and deeply rooted—deeply rooted traits that would come to define his entire career. In 1976, while working as a legislative aide in the U.S. Senate, Mike was instrumental in expanding the Bipartisan Congressional—and I emphasize ''Bipartisan''—the Bipartisan Congressional Environmental and Energy Study Conference, designed to provide timely information to Congress on environmental and energy legislation and issues at a time when I was originally on this committee, Mr. Chairman, as the Public Works Committee. I remember one of the first things that I said to then-Chairman Randolph was, ''Maybe we should call it the Public Works and Environment Committee.'' And he said, ''Son, how long do you want to stay on this committee?''

[Laughter.]

Senator BIDEN. That's a true story.

But at any rate, under Senator Chafee's direction, Mike served as Staff Director for the Conference for 3 years. He acted as the National Director for the 10th anniversary of Earth Day in 1980; served as Director on the U.S. House of Representatives Energy Conservation and Power Subcommittee, and under his leadership, the first national program to deal with the safe disposal of nuclear waste was enacted by Congress.

In 1987, Mike returned to Delaware to become my Communications Director, and later my Projects Director. And whether he was advising me on issues of national significance or working to help revitalize, in a parochial sense for us, the Christina River waterfront in Wilmington, Delaware, or assisting me in an effort to return over 1,000 acres of land to the State of Delaware from the Federal Government that now is preserved in perpetuity—and hopefully all of you can take advantage of it—and that is Cape Henlopen State Park, Mike's counsel and contribution to my office and to me personally was invaluable. Few people understand so many issues so well, articulate them coherently to a wide array of

audiences, and have developed solutions with significant results, and do it in a way that everyone feels like they're a part of it.

By 1995, Mike's knowledge of the issues, his strength in managing staff, and his savvy in dealing with government on a local, State, and Federal level impressed so many of us in and outside of the State of Delaware that it would prepare him well for his next—and most recent—position as Administrator of the Environmental Protection Agency for Region III.

As you know, Region III covers Delaware, Pennsylvania, Virginia, West Virginia, Maryland, and the District of Columbia. Mike has the distinction of working as the Region's longest-serving Administrator. Bias aside—which is hard to do, I acknowledge—Mike is the best Administrator ever to serve the Environmental Protection Agency, directing a staff of 1,000 people and turning it into a more well-rounded, efficient, and well-respected organization. As we all know, and you all know better than any of us who do not serve on this committee, there is—Mike did something fairly remarkable, I think, at least in my region. Mike gained the confidence of business. Mike gained the confidence of the corporate community who, generally speaking, in my area view the EPA as "whatever it is, it's going to cost me money; it's going to be a problem." It has been remarkable, and I might add in part because—and Mike will not like my saying this—Mike's nonprofessional background is that he has a working social and first-hand relationship with the CEOs of many of the Fortune 30 companies that are in my region. It is not merely that they know Mike; Mike used every one of his assets, including his ability to socially interact with those people, as well, and by talking to people, by talking to these folks whose immediate reaction was, "whatever the hell he's going to do about the water or the air or the environment"—you're going to laugh; you all kid us about this in Delaware—"chicken manure," that is hundreds of thousands of tons of it that is having an impact on the other major industry in our State, recreation, Mike is able to sit down with these folks as an equal, not merely as the guy who ran the Agency.

It has been remarkable in my State. During his tenure, Mike was successful in restoring the District of Columbia's drinking water supply; streamlining permitting and pollution control measures; to achieve outstanding environmental performance in the printing industry; and directing EPA's approach to managing poultry waste in Delaware and other States.

I just point this out to you again, just to tell you how this guy comes at this job, and I predict—I say to my friend from Wyoming—he is result-oriented. Instead of going down and insisting that the industry, the multi-billion dollar industry in my home State—I must tell you, I was holding my breath, because everybody knows that "Mike was my guy, I recommended him," right? Well, the industry in my State is a little bit like the mining industry in your State or the cattle industry in your State or the recreation industry in your State or the high-tech industry in your State, and so on. It is the deal. And here we have this gigantic problem that Maryland is in an uproar over. The legislature is absolutely having great difficulty. And Mike, calmly, over a 4-month period, gained

the confidence of the producers; got them to enter into voluntary restraints on how they dealt with this problem; and set it in place.

That's my idea, Mr. Chairman, of what a maturing of the EPA should be. It shouldn't be, "We're the Government, we're the authority, this is the deal, this is what you do," because it won't get done. It won't get done.

It is a unique talent—I shouldn't say "unique"—it is a talent that is not always found among very bright, committed people who want to protect the environment. He has the ability to cross over and get people who are reluctant to take on the responsibility that they are required to take on under the law, and understand their own interest in it happening.

I don't want to make it more than it is, but it was near miraculous in my State, politically, the way in which he got it done. And it's a big deal, in my view. His efforts on this last round led to a workable, common-sense solution based on individual States' needs and resources, not "one size fits all" solutions that we see so often in Government or major bureaucracies and corporations.

In addition to his achievements on the environmental front, Mike is a very strong supporter of the community and serves on the Board of Directors of the Delaware Arts Council and Delaware's Futures, an organization that provides at-risk youth with scholarships for colleges in our area.

Mike is the father of two young girls, Morgan and Alex, and is joined here today by his wife Maria, and I feel privileged to call them both my friends and I am very proud Mike, and the State of Delaware is proud of Mike.

As Deputy Administrator of the Environmental Protection Agency, I know Mike will continue to serve to the best of his ability and provide our Nation with the considerable leadership and expertise and talent that he has.

I will close, if I may—and I apologize for trespassing on the time of the committee—I told you a story yesterday, Mr. Chairman, on the Floor of the Senate. Mike was Communications Director at a time was a pretty low ebb in my career at home, when I had been accused of—my wife says I should never use the word again—accused of plagiarizing in a Presidential campaign. It bothered me more than anything that ever happened to me in my life, so I did something strange, and against the recommendation of everyone. I sued myself in the Delaware Supreme Court, our court of highest jurisdiction, because there was a question on the bar application, number 42, that you swear to under the penalty of perjury. And it said, "Is there anything else in your background that would negatively reflect on your background?" And I wrote, "No." Now, obviously, if I had been accused of plagiarizing in law school, if I had plagiarized, I had committed perjury and not only should be disbarred, but a criminal penalty should pertain. And I initiated a suit with bar counsel, as we are able to do in most State bars, to have this proceeding, a formal complaint against myself.

After 8 or 9 months, when they went back and interviewed every single, solitary professor that I ever had—only one had passed away—they, on four levels, concluded unanimously, including the Court itself, that I never did plagiarize in law school, and no one ever said I did in law school.

Now, I was sitting down here one day when this happened, and as I said, it was the most important thing in my life at the time. And a headline in the morning paper, our statewide paper, said, "Supreme Court Clears Biden of Plagiarism." I was so excited, it was like someone gave me a billion dollars. So I called up to Wilmington and I got one of Mike's assistants, a young woman, and I said, "Send that reporter," whom I never had dealt with, really, in this thing, a woman named Robin Burns, "send her two dozen long-stemmed roses." So this kid, taking me literally, goes and gets two dozen long-stemmed roses, at 2:30 in the afternoon, walks into the newsroom, and hands them to her, from me, in front of everyone, obviously ruining her credibility and mine.

So I called Mike, and I said, "Mike, how could this happen?" I was crazy. I said, "I assumed"—and this is what talent he has, he said, "Joe, we have an expression in my family"—I'll not tell you literally what it was—he said, "In my family we have an expression: Assumption is the mother of all screwups."

The point I want to make is this. This thing that he has that we need in Government, Mr. Chairman, is that he has the ability and understanding that we should not assume anything about our constituencies, and we should explain to them. This is not a matter of the guy in my church, after church he directs traffic and all of a sudden—he preaches all the Christian virtues when he's in church, and out there becomes a little dictator, directing traffic. This is a guy who understands his role. His role is that he works for the various people he is regulating. He doesn't back off on what should be done, but he makes the first effort to try very hard for them to understand why they have to act; and if they don't, he is prepared to act.

I think that, in my observation, Mr. Chairman, including an Agency that I love—and I'm a strong supporter of the EPA—that is not always the case.

So I hope that if you confirm him, and I hope that you will, you will be proud of the fact, based on his record, that he will serve us well, serve the law well, but make us proud of the way in which he goes about doing it.

I thank you all for your indulgence, and I hope my support of him will not in any way diminish his prospects.

Thank you very much.

Senator SMITH. Thank you, Senator Biden.

Does any member have a question of Senator Biden before he leaves?

[No response.]

Senator SMITH. Thank you, Senator Biden.

Mr. McCabe, why don't we start with you, if you wish to make any opening comments? Your written statement will be made part of the record, as will yours, Mr. Eberhard, but I would like, if either one of you has an opening statement, why don't we do them both right now?

We will start with you, Mr. McCabe.

STATEMENT OF W. MICHAEL McCABE, NOMINATED BY THE PRESIDENT TO SERVE AS DEPUTY ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. MCCABE. Well, thank you, Mr. Chairman, and thank you, Senator Biden, for that extraordinary introduction. I feel that any statement that I may make will pale in comparison to what the Senator said.

I just would like to make a personal comment on that. In Washington, the Senator is known for his expertise on foreign policy and authorizing the crime bill and the Violence Against Women Act. He is known for those things, too, in Delaware, but he is also known for protecting Cape Henlopen State Seashore, and protecting the White Clay Preserve. I think that when we look at his legacy as a member of this important body, people will look to those issues, as well as some of the outstanding contributions that he has made to the State of Delaware. I am honored that he would introduce me today.

Mr. Chairman, committee members, it is an honor to have been nominated by the President to serve as Deputy Administrator of the Environmental Protection Agency and to appear before this committee today. I greatly appreciate the confidence shown in me by the President and Administrator Browner. And, Mr. Chairman, I would like to thank you for scheduling this hearing so soon after my nomination.

Mr. Chairman, I would also like to introduce my wife, Maria, who is here with me today. I think that, as many of you know, the public often underestimates the sacrifices that spouses make on our behalf to fill these important positions. I know that I couldn't be doing this without the support of my wife, particularly given that I'm going to be living down in Washington and she's still going to be up on the Pennsylvania-Delaware border. So I am pleased that she can be with me today.

Protecting the Nation's public health and natural resources is one of the most important legacies that we can leave for our children. As a father of two daughters, ages three and seven, who both have a better chance of living to be 100 than at any time in human history, I am acutely aware of the responsibility we have to leave them an environment better than the one we inherited. Protecting the air they breathe, ensuring that their drinking water is safe and clean and that they can swim and fish in our lakes and streams, managing the pesticide residues on the foods they eat, and storing and disposing of solid wastes in ways that prevent harm to their health is critical not only to my daughters' futures, but to all of us. Protecting all of us is the Agency's mission.

In the year ahead I hope to put my skills and experience to work pursuing the Agency's mission. Helping to lead this Agency is a daunting responsibility, but I think it provides me with a real good opportunity to use my regional experience to help shape policy and to help forge coalitions and collaborate with groups outside of the Agency.

I will work hard to keep that regional perspective. As I mentioned, I am still living on the Pennsylvania-Delaware border, and I will be returning home on weekends. I am sure that you under-

stand better than most the importance of staying grounded in our own State and of maintaining that common-sense perspective.

I am sure that I'll be getting into details about the accomplishments that I hope to have over the coming year. I think that my background and experience in the environmental area and in management suit me well for this position. I would like particularly to note, as Senator Biden mentioned, something that I am very proud of, and that is the work that I did very early in my career. My first management experience 24 years ago was to be Staff Director of the Environmental and Energy Study Conference, and it happened at a time in the 1970's when many of the Nation's laws were being developed. It was a time of extraordinary bipartisan cooperation and collaboration in building the foundation of the environmental laws which have served us so well over the last 30 years.

The Environmental and Energy Study Conference was unique in Congress. It was an ad hoc Congressional caucus. It had rotating Chairs between Republicans and Democrats, and the Senate expansion included Senator Gary Hart, who was my former boss, and Senator Chafee. As it turned out, after the third year of the Senate expansion, Senator Chafee took over as the Senate Chair, and I was able to serve under him as Staff Director. It is an experience that I valued, and I mourn the loss of such a great advocate of environmental protection and the bipartisan cooperation and spirit which built our environmental laws.

I look forward to working with you, Mr. Chairman, and the rest of the committee in that spirit, and I hope that together we can help better protect public health and the environment.

Thank you very much.

Senator SMITH. Thank you, Mr. McCabe.

Mr. Eberhard, why don't you make your comments, and then we'll go to questions?

STATEMENT OF ERIC D. EBERHARD, NOMINATED BY THE PRESIDENT TO SERVE AS A MEMBER OF THE BOARD OF TRUSTEES FOR THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Mr. EBERHARD. Thank you, Mr. Chairman and members of the committee. It is a privilege and an honor to be here today and have potentially an opportunity to assist the Udall Foundation, should the committee and the Senate confirm my nomination to the Board of Trustees.

In the very short life of the Udall Foundation, it has already built a record of solid accomplishment in its primary missions of providing scholarships and internships to Indians and Native American students, and in conducting research and in assisting in the development and implementation of Federal environmental policy. I think one measure of its success is the recent mandate from the Congress to expand its functions to include the establishment of a U.S. Institute for Environmental Conflict Resolution, a true vote of confidence in the work that the Board of Trustees is carrying out.

With the leadership of the Board of Trustees and its able Chairman, who is here with us this morning, Mr. Bracy, the Foundation

is financially and programmatically sound and poised for even greater success in the years ahead, and I hope to be able to contribute in some way to that success as the Foundation moves into the new millennium.

I will be happy to answer any questions you may have. Thank you.

Senator SMITH. Thank you very much.

There are a couple of perfunctory questions that we are required to ask, under committee rules, of each witness, so let me just ask you both these questions. Just answer yes or no.

Are you willing, at the request of any duly constituted committee of the Congress, to appear in front of it as a witness?

Mr. MCCABE. Yes.

Mr. EBERHARD. Yes.

Senator SMITH. And second, do you know of any matters which you may or may not have thus far disclosed which might place you in conflict of interest if you are to be confirmed in this position?

Mr. MCCABE. No.

Mr. EBERHARD. No.

Senator SMITH. All right, thank you.

Mr. McCabe, in our conversation yesterday I had indicated that I intended to move forward on an effort which is called, basically, the EPA authorization, which would give us a chance to look at more of a wide range of issues and priorities at one time, rather than the "rifle bore" of each piece of legislation, to take a big picture look. My idea is to look across programs, to help you set priorities, to help the Congress do more oversight—the Senate, in this case, do more oversight, and essentially to make sure that taxpayers are getting the most cleanup and risk reduction out of their dollars. We do it in the Armed Services Committee and we do it in the other committees.

I would like just a brief reaction from you on that approach.

Mr. MCCABE. Mr. Chairman, as you know, this year EPA celebrates its 30th anniversary in December, and a lot has happened since EPA was first established 30 years ago. A number of the laws that we operate under, obviously, were passed in that first decade. We think that taking a look at where we are now, how we function under all the different laws, and how we really have grown into much more of a multimedia Agency is something that would be very beneficial, and I think that looking at the Agency from that overall authorization perspective would be something that we would be willing to work with you on.

Senator SMITH. I appreciate that response, and we look forward to working with you in this effort. I just want to make sure that the word is out among the EPA Assistant Administrators and the rest of the organization that that is the goal here, to try to have this committee look at cross-program decisions rather than into—not one tunnel, but to look at cross-program decisions to help all of us in the oversight and you in the implementation of the programs to try to see where we can do a better job, perhaps save some in one area and put it in another area, or whatever.

One issue that just comes to mind off the top of my head is that EPA over the past several years has continually decreased the number of Superfund sites in America; more and more are coming

off the list, yet the program expenditures are actually pretty steady, and in some cases—in 1 or 2 years—may even have gone up in expenditure. That's just the kind of thing that we would like to look at in terms of explanation. That's just one example.

Let me turn to Senator Wyden for any questions.

Senator WYDEN. Thank you, Mr. Chairman.

As I say, we know Mike McCabe well, and I think he's going to be a great addition at EPA.

Mr. McCabe, I need to go over with you a couple of issues that have been of longstanding concern in my home State. The first is Portland Harbor. As you know, we are trying now, through a very creative kind of partnership between the Oregon State government and a variety of business and community interests at home, to clean up the harbor, looking at a homegrown, locally driven approach rather than simply designating it as a Superfund site and having all of the hubbub that is associated with that. We are very proud of what we have tried to do with these kinds of approaches in the past that the Administration knows a lot about—the Coho salmon, and, of course, we think the Oregon environmental record leads the country in terms of saving beaches, land use, and the like.

My first question to you is, can you support the concept of a State leading major environmental projects like the Portland Harbor cleanup, assuming that there are these strong assurances in place so that there is an adherence to Federal standards?

Mr. MCCABE. Well, Senator Wyden, I appreciate your interest in this matter, and your involvement in it as well. I think that EPA should work closely with local communities and State government when addressing the cleanup of sites like this. We are working with the State of Oregon in an attempt to reach an agreement for Portland Harbor. I think, as you mentioned, it needs to be done within our objectives and guidelines, but it is something that we are pursuing and hope that we can achieve.

Senator WYDEN. So in a case like this, EPA is open to some flexibility in allowing a local plan to proceed as long as it does adhere carefully to the kind of guidelines that are appropriate?

Mr. MCCABE. For Portland Harbor and other sites like this, we will be as flexible as we possibly can within our established guidelines, and we look forward to working toward a local solution. When you have that local involvement, it makes these projects go forward better, with stronger support, and generally you can get them done faster. So we encourage that kind of participation and activity.

Senator WYDEN. Well, I appreciate that.

The other area that I wanted to ask about, as we talked about in the office, is Jackson and Klamath Counties in my State. In 1990 they were classified as "not meeting" the requirements with respect to Federal air quality, and they went out and did the heavy lifting, the hard work necessary to get in compliance, and they now have monitoring data to show that they have been meeting EPA standards for the past 5 years. They haven't, however, been formally redesignated by EPA because it is a costly and time-consuming exercise to be involved in preparing this application. EPA's con-

tinued classification of these areas as nonattainment is now creating some very serious obstacles to economic development.

Our understanding is that you all are working on what's called a "limited maintenance guideline" that would make it easier to redesignate like Klamath and Jackson Counties that have the data to show that they are in fact meeting Federal standards.

My question to you is, when can we anticipate EPA issuing this guidance so that areas like mine—and I assume there will be others in the country, as well—can get formally redesignated without going through what seems like, to a lot of them, a lot of costly red tape and bureaucracy?

Mr. MCCABE. Well, we hope to have this guidance final in the next month. The guidance is designed to apply to moderate PM_{10} areas that have few PM sources involved, and where the PM_{10} problem is very well understood.

The delay in issuing this guidance has been because we wanted to make sure that we didn't create any additional loopholes for those parts of the country where you didn't have that situation, where there were few sources and where the area understood the problem.

Senator WYDEN. Well, we certainly are not interested in setting up loopholes; that's important. And at the same time, I think you know that we are just concerned that good actors out there, when they are told they are not in compliance and are willing then to go out and do the—I call it "heavy lifting," the hard work to make sure that they are making significant improvements—they ought to quickly be eligible for redesignation and not have to go through all of what they see as just costly and unnecessary bureaucratic rigmarole. We want their hard work recognized by EPA, and it sounds like we can anticipate shortly a policy that will do that and that is helpful.

My only other question, Mr. Chairman, is that there are many of us on this committee—Senator Baucus, in particular, has done some very good work on this—we have a lot of concerns about the impact that various environmental regulations have on farmers. This is important, given the fact that we have a lot of difficult problems in the farm economy right now in my State and throughout the country. Region III has many agricultural areas, of course, Virginia and Pennsylvania and Maryland.

What has been your experience in terms of working with folks in the agricultural sector, food producers and those communities?

Mr. MCCABE. Well, one of my biggest projects when I was Regional Administrator was working with the poultry industry to try to deal with the issue of runoff of poultry waste, agricultural waste, which was impairing our waterways. And as Senator Biden kindly mentioned, it was an initiative that not only I took on a regional basis, but I also worked with poultry producers, poultry growers, and the industry in general to have a "national poultry dialog," as it was called, where we invited the poultry industry to address the problem and come up with solutions on their own. I think that it was a successful dialog. The industry has set out standards for itself, and they are now following those standards. They work well with our regulatory approach to controlling poultry waste.

Senator WYDEN. Well, we look forward to working with you. As I say, remembering our days at the Energy and Commerce Committee where we had a lot of these debates, which weren't exactly for the fainthearted, under Chairman Dingell's leadership, I know that you are going to work in a bipartisan way and an effective way. I look forward to your service there.

I don't have any questions for your associate there in the Udall Foundation. It's a fine program, and he will be a real valuable addition, as well.

Thank you, Mr. Chairman.

Senator SMITH. Thank you, Senator Wyden.

Senator Thomas?

OPENING STATEMENT OF HON. CRAIG THOMAS, U.S. SENATOR FROM THE STATE OF WYOMING

Senator THOMAS. Thank you, Mr. Chairman.

Welcome, gentlemen. I am glad you are here.

I am not familiar, Mr. McCabe, with you and your activities, as everyone else seems to be, but at any rate I am very much interested, of course.

Also, I would have to observe that if you came from Mars and listened to this, you would think that the EPA and everybody was just right in step, and of course that's not the case. There are substantial conflicts out there in terms of what the States are doing, and the conflicts that arise there, and I suppose we will always have them. But it isn't as if there are no controversies, because there are.

For example, what is your view on the statutory authority for EPA and the nonpoint source and the TMDL situation?

Mr. MCCABE. We believe that the Agency does have the statutory authority to include nonpoint sources in consideration of improving water quality. We think that the Clean Water Act provides us with that authority, and we have a number of programs that do address nonpoint pollution sources.

Senator THOMAS. We have asked for several designations from your Agency to say where that is and point it out, other than just that it isn't mentioned.

Mr. MCCABE. I would be glad to provide you with information on that, Senator.

Senator THOMAS. I wish you would. Do you have any concern about USDA's conflicts with the TMDL activities that you have?

Mr. MCCABE. I think that we're working closely with USDA to address the TMDL issue. In fact, just within the last 24 hours I had a conversation with Deputy Secretary Rominger on this subject. I know that Administrator Browner—and I believe Mr. Rominger, or perhaps Secretary Glickman—will be appearing before a committee to discuss that issue, I think it's the Agriculture Committee, later in February.

But importantly, I asked Mr. Rominger whether the letter that had been sent out recently explaining USDA's position from Secretary Lyons was a true reflection of USDA's position, and he said that in fact that letter was not a true reflection and that would be clarified at the upcoming hearing.

Senator THOMAS. Secretary Lyons said that it was not? It was his letter, I believe.

Mr. MCCABE. I believe that it was his letter, but it was signed for him, and the individual did not check up the chain.

Senator THOMAS. Well, that will be interesting. You know, the last time I was here, when Ms. Browner was here, for example, the Court had ruled that you exceeded your statutory authority in some areas, and I think that's a very real concern to others. For instance—well, I don't know about that part of it, but "TMDL Proposal: Ambient Water Standards Must Meet Drinking Water Standards." Is that a reasonable suggestion?

Mr. MCCABE. I'm sorry, could you repeat the question?

Senator THOMAS. Under the TMDL proposal, ambient water needs to meet drinking water standards.

Mr. MCCABE. I'm not familiar with that part of the proposed rule. If that is a question that you have, Senator, I will respond for the record.

Senator THOMAS. I wish you would, because that's pretty difficult to deal with ambient water when you're comparing it to water that's been through treatment.

Well, I won't take more time, but I have to tell you that the Clean Water Action Plan, for example, is quite controversial; as a matter of fact, it's in the Court at the moment. In terms of that, I think you spoke glowingly about your relationships with the States. That isn't always the case in terms of who has, you know, other responsibility of doing this.

So I just would say to you that everyone agrees with the idea that we need to move forward; that's not really the issue. The issue is how we do this in relation to communities, in relation to States, including having people have input into what's happening there. And I'm sorry, but from my point of view and my State, I can't accept the idea that this is just a big love-in, because it isn't. And I think we have to find some ways to be able to recognize differences in regions, differences in the kinds of things we're dealing with, and hopefully to allow for a little more involvement on the part of States and communities.

One of them, of course, is the confined animal feeding thing, which could be interpreted to be a corral with a couple horses in it. That needs to be made more clear and needs to be made more realistic, it seems to me.

So if your experience is in Delaware, I hope you'll come out west and share a little bit of the differences that exist there, as well. So thank you for being here. We want to work with you, but I just don't want you to go away—I'm sure you don't—thinking that everything is just a big happy family situation, because it isn't, and there is a considerable amount of conflict there.

Mr. Eberhard, I'm interested in what you're doing. We have a foundation in Wyoming that deals with conflict resolution and some of those things.

I didn't understand that this was substantially toward tribal scholarships.

Mr. EBERHARD. The Foundation charter, which is embodied in Federal law, specifically sets out as one of the Foundation's respon-

sibilities, providing scholarships and internships to Native American and Indian college students and graduate students.

Senator THOMAS. I see.

Mr. EBERHARD. I believe last year the Foundation had about 200 scholarships and several hundred internships over the past several years here in the Congress and in the executive branch.

Senator THOMAS. Good. Where are the scholarships?

Mr. EBERHARD. I would have to defer to Mr. Bracy on that as the Chairman——

Senator THOMAS. I would hope they're not all at the University of Arizona.

[Laughter.]

STATEMENT OF TERRENCE L. BRACY, CHAIRMAN, BOARD OF TRUSTEES, MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION AND CHIEF EXECUTIVE OFFICER, BRACY WILLIAMS & COMPANY

Mr. BRACY. Senator, I'm Terry Bracy, and I have the privilege of chairing the Foundation Board.

Our scholarship program is a national program. I believe that last year 46 States sent scholars to perhaps as many as 38 institutions.

Senator THOMAS. I see.

This conflict resolution is a challenging issue.

Mr. BRACY. Yes, it is, and it's interesting—this committee, of course, gave birth to the legislation, and we're in our first year. I am aware of an excellent program at the University of Wyoming. We are dealing with all the various programs around the country, trying to bring in the best minds, and are trying to deal regionally with the conflicts, not simply where our headquarters is. But we are involved now, I believe, in 35 or 36 conflicts in different regions around the country.

Senator THOMAS. I'm not sure we've limited ours to the best minds. I'm on the Board, as well.

[Laughter.]

Senator THOMAS. Thank you very much.

Senator SMITH. Thank you, Senator Thomas.

Mr. Eberhard, it seems to me—one more time, your name, sir?

Mr. BRACY. Terry Bracy.

Senator SMITH. Bracy?

Mr. BRACY. Yes, sir.

Senator SMITH. In terms of conflict resolution, it seems like one of the tools to resolve some of these conflicts might be the area of risk assessment, and even priorities, in terms of what we do. Can you just shed a little light on that in terms of what your thoughts are, in the Foundation?

Mr. EBERHARD. I can't speak for the Foundation from my personal experience because I haven't served on the Board yet. But from my personal experience, I would agree that risk assessment is a key part of trying to figure out what the parties bring to the table, what the issues are that need to be resolved, and what the range of possible solutions would be.

In my work over the past 30 years I've had a fair amount of experience in just those kinds of negotiations and discussions. I think people of good will can resolve almost any dispute, if that is what they are interested in doing, and part of that process has to involve understanding the universe of the issue that is under discussion so that everybody comes to the table with the same understanding about what it is that is in dispute.

Risk assessment and risk allocation are key parts of that process.

Senator SMITH. A lot of times the conflict is between Federal agencies. For example—and I want to ask you a question about that in a moment, Mr. McCabe—at Yucca Mountain, where you have the NRC and the EPA both in dispute over who should rule on the regulations for storage of nuclear waste. I think when it gets frustrating is when certain entities, such as a State or somebody in the private sector or the Army Corps—there are so many agencies out there that are in conflict—it gets frustrating when you're building a road and you get four or five different Federal agencies and nobody can make a decision as to who rules here and who the top Agency is. I'm sure you've seen that.

Well, I don't know too much about the Foundation, but I did know the gentleman that it was named after very well. I served with him in the House, and he was loved and respected by everybody that I knew. A book that he wrote, ''Too Funny to be President,'' is a laugh-out-loud funny book, and I would recommend it to anyone, whether you want to run for President or not. It was of particular interest to me since I did, and I had the same fate that he did.

[Laughter.]

Senator SMITH. But it is a great book.

Let me just ask two final questions of you, Mr. McCabe, and then we'll be finished.

I want to come to that issue that I just mentioned, the conflict between the NRC and the EPA. Would it make more sense for each of you, the two respective agencies here, to work with each other rather than against each other to develop some kind of joint regulation for Yucca Mountain?

Mr. MCCABE. Mr. Chairman, I think that working with the NRC and other Federal agencies, working cooperatively with other agencies, is very important from a standpoint of not only being as efficient as possible, but effectively using the skills and experiences of each of the agencies.

With Yucca Mountain, EPA is required to establish protections for groundwater from possible contamination by radioactive material, and our position has been that the protections to groundwater should be the same as we protect any groundwater system from any hazardous waste, not more, not less. And in fact what we have proposed is exactly that, to protect groundwater in the same way that we would protect it if there were a nearby Superfund site.

Senator SMITH. Well, who should be responsible for issuing the environmental health and safety standards for the nuclear waste repository at Yucca Mountain? Should it be EPA?

Mr. MCCABE. We believe that EPA should be, because it is our responsibility to protect public health, and we have expertise and experience in this area.

Senator SMITH. Is it your position that the NRC should not have a co-equal role, but that you should have the lead role? Is that your position?

Mr. MCCABE. Our position is that we should have the lead role on establishing these standards.

Senator SMITH. There is a substantial amount of expertise, however, with the NRC on the storage and disposal of radioactive waste.

Mr. MCCABE. And I am aware of that from my past experience with the Energy and Commerce Committee.

Senator SMITH. As I understand it, the NRC at this point in time still sets standards for facilities that accept low-level radioactive waste, is that correct?

Mr. MCCABE. I'm not sure about low-level waste, Mr. Chairman.

Senator SMITH. Well, some of the rules, regulations, and standards developed by the NRC over the years are standards for protection against radiation; occupational dose limits for adults; dose limits for individual members of the public, and so forth. So there are a lot of regulations and requirements that are set there, and I think that it would expedite things and perhaps be more productive if there were some way that that could be worked out on a co-equal basis, at last trying to partake of each other's expertise rather than feuding about it. And I would just ask you to take a look at that.

Mr. MCCABE. Mr. Chairman, we will, and I'm sure we will be communicating with the committee on this issue.

Senator SMITH. One other issue that was kind of alluded to in Senator Thomas' question, in that there is frequently conflict that does occur between the Federal Government and the States. In the 1998 Integrity Act report, EPA identified the NPDES permit backlog as a major weakness, and the records from EPA basically show that they had not reissued 38 percent of the permits for major facilities, and 76 percent of the permits for minor facilities. And then the comparable State backlog was 26 percent for major and 40 percent for minor.

I understand that EPA's goal is to eliminate the backlog by about 2004. That's 6 years after the problem was identified. And then, using Texas as an example, I am told that Texas was able to eliminate the backlog completely within a year or a little over, receiving authority from EPA to run the permit program.

Can we learn some lessons here from the Texas example, that maybe the State can do it fine, thank you, if you give them the authority to do it, to get rid of the backlog?

Mr. MCCABE. Well, we are committed to removing the backlog, and I think that we're well on our way to doing that.

As far as your broader question is concerned, I think that we can learn from the States. We have learned from the States, and I know that, based on my experience as a Regional Administrator, it's an important partnership. We couldn't effectively clean up the environment without the participation of the States, without their capacity, without their expertise. I hope that as Deputy Administrator I will be able to build on those relationships and strengthen the EPA-State dialog and cooperation.

Senator SMITH. Finally, we talked yesterday about the Corrective Action Management Unit lawsuit. We've been working together for

the past couple of years with EPA for legislation on this. I think we can address this in a bipartisan way and a cooperative way. I hope we can work together to finish this process; we've developed a bill here that I believe is consistent with that settlement and we'd like to complete it soon, so I would just urge you to support us in the process here of trying to get this legislation moving and to get this out of the way.

Mr. MCCABE. Well, the CAMU issue is one that is very important to the EPA from the standpoint of efficiently and quickly cleaning up the RCRA corrective sites. We are right now at a very sensitive point in the settlement of that litigation, and as soon as that settlement is reached I am sure we will be talking to the committee, Mr. Chairman.

Senator SMITH. All right. We've had some problems in the past in getting information on this issue in a timely manner. I did send a letter to the Administrator in December, so if you can help us in this regard when you get on the job, we would appreciate it.

Mr. MCCABE. I will look into that.

Senator SMITH. Well, I don't have any more questions and I don't see anybody else here to ask any, but I will leave the record open.

The questions that were submitted to you for the record, or that you indicated you would respond to for the record, should be answered by the 9th. It is my intention, unless something happens that I don't know about, to bring your nominations to the committee on the 9th. That's the intention right now; things could change, but that's the intention. So try to get those responses in by the 9th, and I will leave the record open until the close of business Friday for any Senators who may wish to submit questions to you, but the same response for either one of you would be to answer them by the 9th.

Well, thank you very much, gentlemen, and good luck. We look forward to working with you.

The hearing is closed.

[Whereupon, at 12:15 p.m., the committee was adjourned, to reconvene at the call of the Chair.]

[Additional statements submitted for the record follow:]

STATEMENT OF MICHAEL MCCABE, NOMINATED BY THE PRESIDENT TO BE DEPUTY ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

Good Morning, Mr. Chairman and members of the committee. It is an honor to have been nominated by the President to serve as Deputy Administrator of the Environmental Protection Agency (EPA)and to appear before the Senate Environment and Public Works Committee today. I greatly appreciate the confidence shown in me by the President and Administrator Carol Browner to fill this position.

Protecting the nation's public health and natural resources is one of the most important legacies that we can leave for our children. As a father of two daughters, aged three and seven, who both have a better chance of living to be 100 than at any time in human history—living to the end of this century—I am acutely aware of the responsibility we have to leave them an environment better than the one we inherited. Protecting the air they breathe, ensuring that their drinking water is safe and clean and that they can swim and fish in our lakes and streams, managing the pesticide residues on the foods they eat, and storing and disposing of solid wastes in ways that prevent harm to their health is critical not only to my daughters' futures, but to all of us. Protecting all of us is the Agency's mission.

Helping lead this Agency is a daunting responsibility, but it also provides me with an opportunity to use my regional experience to help shape national policy. I will work hard to keep that regional perspective. I am still living on the Pennsylvania/Delaware border and return home on weekends. I am sure the committee under-

stands better than most the value of keeping active links beyond the beltway in order to stay grounded and maintain common sense.

I have agreed to undertake this job in the eighth year of this Administration because I am committed to seeing the environmental programs and initiatives launched by the President and Administrator Browner brought to fruition. It is an important year also because it marks the 30th anniversary of Earth Day and the 30th anniversary of the EPA when we should look back on our accomplishments in the area of environmental protection and chart the course for the future.

I plan to focus on a number of areas throughout the year. First and foremost will be the day-to-day administration of the Agency itself. This includes meeting our budget obligations under GPRA and managing the work force targets set by Congress. Another area will be implementing the Administrator's consolidation and redirection of Agency information programs under the new Environmental Information Office. This will include working with States to establish common information and data systems that promote better communication about environmental results and reduce reporting paperwork.

The Food Quality Protection Act, one of the most significant new environmental laws passed by Congress in recent years, also will be an area of focus. The extensive reassessment required by the law of the pesticides used in agricultural production and pest management requires tremendous resources and extensive scientific review.

I also plan to continue my involvement in assuring environmentally protective permitting of surface mines in Appalachia. This issue is one which could have important consequences for water quality in conjunction with mining practices nationwide.

For most of the past 25 years, I have devoted my career to public service in the field of environmental protection and natural resources management. From my earliest professional experience in the 1970s, when many of the nation's environmental laws were being written, I have brought new ideas and leadership to strategies to control pollution and to use our natural resources wisely. I am steadfastly committed to promoting innovative, common sense approaches to environmental protection by building partnerships at all levels of government, with the private sector, and by involving stakeholders.

In addition to a solid foundation in environmental policy, I have extensive experience in managing organizations including the Energy Conservation and Power Subcommittee of the House Commerce Committee, Senator Biden's project staff, the bipartisan Congressional Environmental and Energy Study Conference, and the Mid-Atlantic regional office.

While serving as director of the U.S. House of Representatives Energy Conservation and Power Subcommittee, of the House Commerce Committee, in the early 1980's, we led the debate in promoting utility deregulation which is now sweeping through the industry. We also tackled a persistent problem facing nuclear power—how to safely dispose of spent fuel—and we enacted the nation's first program for the disposal of nuclear waste.

I am particularly proud of my leadership of the Study Conference—my first management position 24 years ago. You may be familiar with the Study Conference and its "green sheets" which provided members of Congress and their staffs with background information on key environmental and energy legislation and issues.

Shortly after it was founded in the House by former Representative Richard Ottinger and then Representative Jim Jeffords, a group of Senators led by my former boss Senator Gary Hart and Senator Chafee, expanded it into the Senate. The Conference was an organization based on the belief that environmental protection knows no party affiliation and that the foundation of this nation's environmental laws was built through bipartisan collaboration. To underscore this, the Chairmanship of the organization shifted between Democrats and Republicans in the House and Senate at a time when Democrats controlled both Houses.

Senator Chafee became the Senate Chairman in 1979 and I was proud to serve under him as staff director. I greatly admired the Senator and mourn the loss of this great advocate of the bipartisan spirit that established our nation's environmental policies.

That was a long time ago. My most recent management experience as Regional Administrator of the Mid Atlantic States has provided me with experience vital to the role of Deputy Administrator.

As the longest-serving Regional Administrator, I managed and directed a staff of approximately 1,000 employees with a budget exceeding $700 million. In this position, I took an active interest in the efficient operation of the regional office, and conducted an internal assessment of regional management and personnel practices to make the region work better, and to make ours a better place to for employees

work. For example, I led the effort to restore the District of Columbia's drinking water system and directed EPA's national approach to managing poultry waste from factory farms. I co-chaired a subcommittee of the Agency's Common Sense Initiative that succeeded in streamlining permitting and pollution control measures to achieve superior environmental performance for the printing industry.

As Regional Administrator, I worked with EPA's senior management team on national strategic planning, budget priority setting, and public outreach. This provided me with the ability to implement the Agency's national priorities into a regional context. It also provided me with an opportunity to bring the perspective I gained from my day-to-day work with the States to bear on national policies and priorities. Working closely with my colleagues around the country gave me a greater appreciation for the regional variations in environmental problems and unique approaches used in resolving complex issues.

In summary, my environmental policy expertise, management skills, and strong commitment to public service provide me with qualifications to do the work of the Deputy Administrator. I look forward to working with the committee, the members and your staff in our efforts to protect the environment and make a healthy environment for our children and grandchildren.

RESPONSES BY MICHAEL MCCABE TO ADDITIONAL QUESTIONS FROM SENATOR SMITH

Comprehensive Everglades Restoration Plan

Question 1. Considering the magnitude of the Comprehensive Plan, does EPA plan to dedicate full-time staff to work this vital issue?

Response. The EPA is firmly committed to providing the necessary resources to assist in implementing the Comprehensive Everglades Restoration Plan. Currently, EPA's Office of Water, Region IV and the South Florida office of Region IV provide scientific, legal, and technical expertise to the Everglades restoration effort. EPA also provides a full time staff person at the Army Corps of Engineers' Jacksonville Mississippi office to assist in the restoration effort.

Question 2. The Comprehensive Plan proposes the construction of two wastewater reuse facilities for the superior, advanced treatment of wastewater to augment the freshwater flows to the natural system. At the field hearing, the Administrator testified that these wastewater reuse facilities would be eligible for SRF funding, even though the plants are designed to provide water directly to the natural system and not for municipal use. Could EPA clarify this statement?

Response. Generally, the costs of capital upgrades for wastewater treatment are eligible for loans under the Clean Water State Revolving Fund. It is important to note, however, that local communities typically are responsible for both repaying SRF loans and covering the costs of annual operation/ maintenance for treatment plants. In this case, other sources of funding are necessary because Miami-Dade County is under no obligation to apply for loans or to improve treatment to a level suitable for Biscayne National Park or the Bird Drive-Everglades Basin wetlands. The purpose of the facilities is to provide clean freshwater to the environment during the dry season when the other restudy components will not have enough extra water available for the restoration effort.

Arsenic Rule (Drinking Water)

Question 3. The Safe Drinking Water Act (SDWA) Amendments of 1996 includes a statutory requirement for the Administrator to propose a national drinking water standard for arsenic by January 1, 2000. Now a month past the deadline, the arsenic rule must still go through a 90-day OMB review process before release, which could be 3–6 months from now. Can you explain the delay?

Response. Developing a new proposed regulation for arsenic in drinking water has been an extremely challenging undertaking, requiring evaluation of an array of complex scientific and technical information. As the Agency has developed the new proposed standard, we have considered a range of points of view from both internal and external stakeholders. This diversity of views is understandable, considering that arsenic is a widely occurring contaminant with a number of adverse health impacts of concern. This process has been somewhat more time-consuming than expected, but we're hopeful of initiating OMB review of the proposed rule very soon and publishing the rule for comment this Spring. We intend to meet the January 1, 2001 deadline for promulgation of the final rule, despite this delay in issuing a proposal.

Question 4. We've heard that there are disagreements within the Agency about the benefits of the proposed standards versus the costs? Can you elaborate on this?

Response. The SDWA (Section 1412(b)(6)) requires an evaluation of the costs and benefits of a proposed rule and a determination of whether or not the benefits of

the rule justify the costs. Assessing the costs of a new proposed standard is a somewhat more straightforward exercise than evaluating benefits but complicated, involving estimates of the total national costs that will be incurred by water utilities to comply with a new standard. Estimating the benefits of a proposed rule involves gaining an understanding of the health effects attributable to various levels of the contaminant and the benefits of reducing these risks.

EPA charged the National Academy of Sciences (NAS) with providing expert advice on the health impacts of arsenic based upon a comprehensive assessment of national and international studies. The NAS provided quantitative (numerical) recommendations concerning the risk of bladder cancer to consumers of drinking water containing arsenic. The NAS also provided qualitative (non-numeric) recommendations concerning a number of other potential adverse health effects of concern, the most significant of which is lung cancer. In evaluating the benefits of a new, more protective arsenic standard in drinking water, the Agency has examined both quantitative and qualitative benefits. Ascribing values to such benefits is a challenging exercise that involves an element of judgment, based on an array of data and information. Discussion and resolution of these issues has been an important part of this process—and, as is the case in any such complicated undertaking, experts can and often do differ in their respective evaluations. While there has been internal debate on these cost-benefit issues, this is not unusual in a significant rulemaking. Discussion has been encouraged and development of the rule has benefited. When it is proposed, we will solicit comment on our estimates of the costs and benefits of the rule and on the underlying issues of concern.

MTBE

Question 5. I am concerned about MTBE in our groundwater. State officials in New Hampshire say that as many as 7,000 private wells could be contaminated with unsafe levels of MTBE and as many as 33,330 could be contaminated with lower trace levels. It seems that we didn't use good science when we decided to put MTBE in our gasoline and now it has created another even bigger problem. What is EPA doing to address MTBE in groundwater?

Response. In response to the growing concerns regarding MTBE, in early 1999 Administrator Browner appointed an independent Blue Ribbon Panel to investigate the use of oxygenates in gasoline. On July 27, 1999, the Panel issued its recommendations. Specifically the Panel:

• Recommended improvements to the nation's water protection programs, including over 20 specific actions to enhance underground storage tank, source water and drinking water, and private well protection programs.—Agreed broadly that use of MTBE should be reduced substantially and that Congress should act to provide clear Federal and state authority to regulate and/or eliminate the use of MTBE and other gasoline additives that threaten water supplies.—Recommended that Congress act to remove the current Clean Air Act requirement—that 2 percent of RFG, by weight, consist of oxygen—to ensure that adequate fuel supplies can be blended in a cost-effective manner while reducing usage of MTBE; and—Recommended that EPA seek mechanisms to ensure that there is no loss of current air quality benefits.

EPA is working with Congress, the states and the regulated community to implement the Blue Ribbon Panel's recommendations and address the problem of MTBE in groundwater:

• We will work with Congress to quickly phaseout MTBE while preserving a market for renewable fuels and maintaining clean air benefits.

• EPA is currently evaluating all of its regulatory options under existing statutory authorities for addressing the contamination of groundwater from MTBE.

• A new drinking water standard for MTBE will be proposed within the next year.

• MTBE is included in the Unregulated Contaminant Monitoring Rule. This rule requires all large and a representative sample of small public water systems to monitor for MTBE in ground water and surface water beginning in 2001. EPA is strongly encouraging water systems to begin monitoring as soon as possible.

• EPA is developing maps of State Underground Storage Tanks (USTs) that can be compared with water source locations to help assess the actual risk of potential leaking USTs to public water supplies.

• EPA is working with States to develop an operation and maintenance manual that will help improve the safety of UST systems and is conducting workshops around the country with State water program officials for UST owners and operators.

• EPA allocated $1 million for demonstration projects to determine the most effective approach to MTBE remediation. MTBE remediation research efforts also cur-

rently are underway by other organizations, such as the American Petroleum Institute and the University of California at Davis.

Prior to MTBE's use in Federal RFG, a consent agreement under the Toxic Substances Control Act required industry to conduct extensive research of MTBE. The MTBE research included short and long term animal inhalation studies that did not point to any exceptional acute or chronic toxicity. In the early 1990's, human chamber studies on acute exposure to pure MTBE were completed by EPA, the Centers for Disease Control, and industry. The studies provided strong evidence that MTBE alone was not likely to cause acute health effects in the vast majority of the general population. Additional inhalation research that includes testing of baseline conventional gasoline and nonbaseline groups including gasolines with MTBE and other oxygen additives is underway. It is hoped that the results of this inhalation research can be extrapolated and allow a greater understanding of MTBE ingestion health risks.

While additional research will add to our understanding of the health effects of MTBE, action to prevent further MTBE contamination of water supplies should not await the results of this research. Due to its persistence and mobility in water, MTBE is more likely to contaminate ground and surface water than other components of gasoline. Indeed, according to EPA's Blue Ribbon Panel, MTBE has already been found in up to 10 percent of drinking water supplies in RFG areas. To prevent the escalation of a larger problem, EPA believes the use of MTBE should be quickly phased out.

UST

Question 6. What is the status of EPA's enforcement of the 1998 deadline for compliance with the UST regulations?

Response. EPA and the states worked together to coordinate our enforcement strategy following the December 1998 deadline. As the primary implementing agencies, states pursued the majority of the inspections and enforcement actions related to the deadline. In the first 6 months immediately following the deadline, EPA focused its enforcement resources on facilities that posed a threat to drinking water or sensitive ecosystems; Federal facilities; large, multiple UST facilities; and owners and operators with multiple facilities. Thereafter, EPA broadened its enforcement efforts to all facilities that remained in noncompliance.

At the end of fiscal year 1999, 85 percent of the approximately 760,000 active federally regulated underground storage tanks (USTs) were in compliance with the 1998 deadline requirements. We expect the compliance rate will be 90 percent by the end of fiscal year 2000.

Question 7. Do you know the percent of people (who) are in compliance with the 1998 regulations?

Response. We do not have data on compliance rates by facility owner, only by UST system. As you may know, an owner or operator may have multiple UST tanks. Almost all states are the primary implementing agencies for the UST program, and the states maintain the data bases that contain the notification and compliance information. The compliance data reported by the states is for UST systems, not for facility owners.

Question 8. Where is EPA targeting enforcement resources?

Response. Since the states are the primary implementing agencies for the UST program, they perform the vast majority of inspection/enforcement work in the program. States use a wide variety of methods for targeting their resources, often focusing on wellhead protection areas or other sensitive environmental areas. In addition, EPA also targets facilities in areas where a state can not provide an active enforcement presence as well as facilities referred to us by the states.

In the first 6 months immediately following the 1998 deadline, EPA focused its enforcement resources on facilities that threatened sources of drinking water or sensitive ecosystems; federally owned facilities; large, multiple UST facilities; and owners and operators with multiple facilities. Although these facilities remain an enforcement priority, EPA has since broadened its enforcement efforts to all facilities that remain in noncompliance.

Question 9. Have you looked at the extent of leaking in those tanks that have come into compliance with the 1998 regulations?

Response. Assessing the performance of compliant UST systems is one of the highest priorities for the Office of Underground Storage Tanks (OUST). This includes measuring the effectiveness of our leak detection requirements, as well as studying the release rate from compliant tanks, and identifying the cause of those releases (e.g., faulty installation, failed overfill device, release from piping). A number of states and EPA regions are beginning to record this data at all new release

sites. In addition, EPA is funding a study with the University of California at Davis to assess the effectiveness of various leak detection methods.

However, based on anecdotal data from the states we know that petroleum releases have occurred from UST systems that had met the requirements of the 1998 deadline. In addition, a preliminary assessment of California's UST data base by the University of California at Davis indicates that the annual leak rate for UST systems that comply with upgrading requirements was 0.07 percent per year, compared to approximately 3 percent per year for all active tanks. It is reasonable to assume that a certain number of releases will continue to occur from systems with new or upgraded UST systems due to improper installation, improper operation and maintenance, or accidents. Ensuring proper operation and maintenance is another of OUST's highest priorities.

High Production Volume Chemical Testing Program

Question 10. In October 1999 an agreement was reached between EPA and animal rights groups to address many of the concerns raised regarding the EPA High Production Volume Chemical Testing Program ("HPV Program"). Although an agreement has been reached, I am concerned about how the program will be implemented in a manner consistent with the agreement. In December 1999 animal rights groups petitioned EPA to issue two rules which would require chemical companies to file existing data and information on HPV chemicals prior to initiating new testing under the HPV program. Has the October agreement been embodied in.the Inventory Update Rule?

Response. The animal welfare principles outlined in the October 14 letter from EPA to HPV Challenge participants are incorporated, to the fullest extent possible, in the proposed High Production Volume (HPV) Chemical Test Rule currently under review at OMB. EPA encourages the fullest possible use of existing data in order to minimize the need for new testing. Once this proposed rule is promulgated, the public will have an opportunity to comment on all aspects of the rulemaking including issues related to animal welfare. The Inventory Update Rule (IUR) is a separate rulemaking unrelated to the HPV Challenge Program and was not addressed by the October 14 letter. The recently proposed IUR amendments do not require any testing. The IUR Amendments, which were proposed on August 26,1999(64 FR 46771), would call upon companies to assemble and report existing exposure and use data for their chemicals under the Toxics Substances Control Act (TSCA).

Question 11. If the purpose of the program was to gather toxicity data on those chemicals most commonly used in our country, why does a citizen group need to petition EPA to issue rules to carry out the primary purpose of the program?

Response. In the HPV Challenge Program, the Agency has worked successfully in partnership with industry to establish a voluntary program to make this information available to the public. To date, this voluntary approach has yielded commitments from industry to provide the needed data on nearly 2100 of 2800 high production volume chemicals. As part of this program, EPA has intended to pursue a TSCA test rule for those chemicals which are not voluntarily sponsored by industry. Under Section 21 of the TSCA, citizens may petition EPA to initiate a proceeding for the issuance, amendment, or repeal of a rule under various other sections of TSCA. In this instance, the petitioners assert that a voluntary approach to collecting basic screening level toxicity information on HPV chemicals will not be effective in bringing forward all relevant existing data. They have thus called for a rulemaking approach to compel the disclosure of that information.

Question 12. Does EPA intend to issue such rules?

Response. EPA published a Federal Register notice (65 FR 2164, January 13, 2000) reporting that the petition had been filed and solicited public comments by February 3, 2000. Under Section 21 of TSCA, EPA must respond to the petition by March 28, 2000. The Agency is currently evaluating the petition and the comments received, and has not yet responded to the petition.

MTBE

Question 13. The EPA is currently considering a waiver of the Clean Air Act's 2 percent oxygen mandate for the State of California. We are working on legislation to address this issue, but I want to encourage the EPA to give the California waiver full consideration. California uses more gasoline containing MTBE than any other state and they are quite concerned with the effect this might have on water supplies. Can you give this committee any sense of the status of the California waiver petition?

Response. We share California's desire to keep the State's drinking water free of MTBE and other contaminants. EPA's goal is to protect public health and the environment by ensuring Americans have both cleaner air and cleaner water—and never

one at the expense of the other. On December 24, 1999, California officials provided EPA initial documents in support of the state's waiver request. EPA is reviewing this initial information and stands ready to receive additional data the state is gathering that is necessary to complete its request.

On January 25, 2000, staff from the California Air Resources Board (CARB) and the EPA met to discuss the additional data and analysis necessary for a waiver to be considered. CARB has indicated that it will supply this additional information to EPA. Once EPA receives this information from CARB, EPA will be able to perform the technical analysis of California's waiver request required under the Clean Air Act. If the statutory requirements to receive the waiver are met, EPA is required to provide public notice of our decision. Such procedures include a public comment period of a minimum of 30 days.

Utilities Emissions Bill

Question 14. Recently, I announced the start of a process to develop legislation to improve how the Clean Air Act addresses pollution from the electric utility sector. Developing a bill on this topic that will have broad bipartisan support is going to be an enormous challenge. I would hope that the EPA will work with my staff in an open and creative way as we all search for a more efficient system to deal with these pollutants. If we can build on the Acid Rain model, I believe that we can improve the environmental results of our efforts—while at the same time lowering the implementation costs for industry, the economy, and the government.

Response. As you examine this issue, EPA will, as always, be happy to work with you and your staff.

Yucca Mountain

Question 15. NAS and NRC have recommended that standards for Yucca Mountain be based on sound radiation protection science (i.e., do not use old ICRP 2 dose methods in setting standards). NRC has an overall approach for setting regulatory limits that involves: 1) setting an overall goal for protection applicable to all regulated activities (i.e., 100 mrem public dose limit); 2) developing dose limits for particular activities (e.g., waste disposal) that are consistent with the overall goal; and 3) updating dose limits, as necessary, to make use of scientific improvements for estimating dose. EPA's approach for setting radiation standards is not as clear. Although, EPA generally uses an overall risk goal (i.e., lifetime risk between one chance in 10,000 and one chance in 1,000,000), EPA has and continues to set radiation limits that have little relationship to this overall goal (i.e., MCLs) and have recently proposed standards for Yucca Mountain (40 CFR 197) based on outdated methods for estimating dose.

Can EPA explain, what appears to be, significant inconsistencies and weaknesses in their approach for setting radiation standards? What interactions has EPA had with the NRC and NAS to address their comments?

Response. The EPA's proposed Yucca Mountain standards are entirely consistent with other standards the Agency has established and, in almost every respect, are consistent with the recommendations of the NAS. In all its regulatory programs, the Agency typically establishes risk in the 10–6 to 10–4 range (1 chance in a 1,000,000 to 1 chance in 10,000). This is the Agency's guideline for establishing radiation regulations for involuntary risks over and above background levels. EPA's generic standards for spent nuclear fuel and high-level waste and the Agency's proposed standards for Yucca Mountain assure protection of at least 15 millirem/year. The lifetime fatal cancer risk associated with this dose is approximately 3 chances in 10,000.

With respect to EPA's proposed standards for drinking water, EPA proposed to adopt the Agency's 4 millirem/yr dose limit for Maximum Contaminant Level (MCL) standards under the Safe Drinking Water Act. The lifetime fatal cancer risk associated with this dose is 1 chance in 10,000.

For Yucca Mountain, the National Academy of Sciences (NAS) suggested a risk level equivalent to an annual dose in the range of 2 to 20 millirem/yr. The annual risk associated with EPA's proposed 15 millirem standard and 4 millirem standard for drinking water fall within this range. The 25 millirem/yr dose limit proposed by the NRC would allow greater risk than that recommended by NAS. NAS has supported EPA's proposed 15 millirem standard. In its November 26, 1999 comments on the 15 millirem standard, NAS stated that "the magnitude of the proposed numeric value of the individual-protection standard is consistent with the recommendations in the [NAS] report."

We realize that science has improved in the 20 years since the Maximum Contaminant Level (MCL) standards for drinking water were established and we are working to update them based on current scientific understanding and legislative

direction under the Safe Drinking Water Act Amendment. All changes will be incorporated by reference in EPA's final Yucca Mountain standards.

We have made and will continue to make every effort to consider all of the issues which have been brought to our attention by the NRC, NAS, and other interested parties. Both NRC and NAS have submitted written comments on EPA's proposed standards. EPA will work closely with NRC and NAS to address their comments in EPA's final standards.

RESPONSES BY MICHAEL MCCABE TO ADDITIONAL QUESTIONS FROM SENATOR CRAPO

Yucca Mountain/Nuclear Regulatory Commission

Question 1. Both the Environmental Protection Agency (EPA) and Nuclear Regulatory Commission (NRC) have promulgated radiation exposure standards for a geologic repository, better known as Yucca Mountain, for the nation's spent nuclear fuel and high-level waste. The establishment of a permanent repository is of paramount importance to the ability of the Department of Energy and Department of Navy in meeting a court-ordered agreement with the State of Idaho. Legislation currently in the Senate, S.1287, would identify the NRC as the standard-setting Agency for a geologic repository, not the EPA. This proposal recognizes that the NRC is the nation's expert in dealing with radiation and is supported widely and bipartisanly in Congress. Is there any reason to expect that the NRC would not be capable of setting standards for the geologic repository that will protect public health and the environment?

Response. The Energy Policy Act of 1992 gave EPA responsibility for setting the standards for a repository at Yucca Mountain and NRC responsibility for determining whether or not the repository meets the standards through a licensing process. This arrangement of having EPA set the standards and NRC implement them is how nuclear facilities have been regulated for the past 30 years. This is the system of checks and balances that was established when EPA was formed in 1970.

While NRC is expert in the licensing of nuclear power plants, EPA was designated by Congress to set the safety standards for Yucca Mountain. EPA has the expertise to set appropriate health and safety standards for the disposal of radioactive waste and has done so for decades. EPA also has expertise in implementing such standards successfully. In fact, EPA set the safety standards for, and certified, the only operating geologic repository for permanent disposal of radioactive waste in the United States—the Waste Isolation Pilot Plant in New Mexico.

In addition, EPA has a wealth of experience in setting standards for, and licensing, hazardous waste facilities. This has informed our proposed Yucca Mountain standard. Our Yucca Mountain proposal was designed to achieve the same level of protectiveness, an increased risk in the 10–6 to 10–4 range (1 chance in a million to 1 chance in 10,000), as all these other Agency standards.

NRC has issued draft standards for Yucca Mountain. These draft NRC standards do not include specific protections for potable groundwater and would allow a greater risk to individual members of the public (25 millirem/yr dose limit vs. EPA's proposed 15 millirem/yr dose limit). Based on these draft standards and NRC comments and statements of intent, EPA believes that EPA's standards will more adequately protect public health and the environment than NRC standards.

Question 2. The EPA has been criticized for dragging its feet on issuing radiation standards for the geologic repository. The Agency finally issued radiation standards on August 19, 1999. The EPA does not appear to be promulgating needed standards in the timeframe that is needed to make the repository a reality. Why did it take the EPA so long to issue these standards? If the EPA remains the standard-setting organization for the repository, what changes will you make to ensure the EPA is responsive to necessary standards development?

Response. EPA recognizes that these standards are very important for assuring the safety of any repository at Yucca Mountain. This project involves a unique facility with many complex technical issues. EPA has made every effort to consider all of the issues which have been brought to our attention. This includes meetings with interested parties and discussions within the Administration. A significant amount of this time was spent addressing scientific issues in coordination with the National Academy of Sciences, the Administration's Office of Science Technology and Policy, the Department of Energy (DOE) and the Nuclear Regulatory Commission. EPA has worked diligently to resolve the many complex issues. Additional time taken was necessary to ensure that we prepared standards that were technically sound, legally defensible, could be reasonably implemented, and were protective of public health and the environment.

As you know, we already have proposed the standards and the public comment period has closed. We are now in the process of assessing comments received. We plan to finalize the standards this year and, as we work to finalize the standards, we will continue to make every effort to be responsive to the comments and concerns of interested parties. Our current schedule will not delay DOE's plans for licensing the repository.

Question 3. For Yucca Mountain, the EPA proposed an annual dose limit to the reasonably maximally exposed individual of 15 millirem with an additional 4 millirem dose limit for groundwater. Why did the EPA feel it was necessary to establish different, pathway-specific standards, as opposed to one comprehensive standard as recommended by the National Academy of Sciences?

Response. It is the Administration's policy to apply existing environmental laws to protect all current and potential sources of drinking water. It is also the Administration's policy that it is the responsibility of potential polluters to keep groundwater clean—not for users to treat water once it is polluted.

Yucca Mountain sits on a large, clean aquifer capable of supplying drinking water to thousands of people. It already is being used as a source of drinking water by local inhabitants and likely will be used as drinking water for Las Vegas—the fastest growing metropolitan area in the country. EPA has proposed a ground-water protection standard to prevent contamination of this valuable drinking water aquifer. Failure to do so could result in additional economic and health burdens to future generations and it is more prudent to prevent contamination than to rely on clean-up. EPA applies ground-water standards to every hazardous waste site in the country. In addition, EPA already has successfully applied ground-water protection standards at the only operating geologic repository for disposal of radioactive waste—the Waste Isolation Pilot Plant in New Mexico. EPA believes that the people of Nevada and their drinking water resources deserve the same level of protection that is applied to the rest of the country.

Question 4. The EPA has been criticized for establishing standards for Yucca Mountain that are more stringent than occurs in nature. Given the risk-based approach to individual exposure advocated by the National Academy of Sciences in August 1995, is the EPA "more stringent than nature" standard appropriate?

Response. The EPA's proposed Yucca Mountain standards govern the incremental risk associated with the presence of a nuclear waste repository at the site, not the background risk associated with naturally occurring radiation at the site. Knowing that individuals can be exposed to radiation risks from a variety of both man-made and naturally occurring sources, EPA's aim in promulgating standards is to minimize the risk to individuals from any one source; in this case, EPA's goal is to minimize the risk to individuals from any disposal of radioactive waste at Yucca Mountain.

EPA's proposed standards for Yucca Mountain assure protection of at least 15 millirem/year. The lifetime fatal cancer risk associated with this dose is approximately 3 chances in 10,000.

For Yucca Mountain, the National Academy of Sciences (NAS) suggested a risk level equivalent to an annual dose in the range of 2 to 20 millirem/yr. The annual risk associated with EPA's proposed 15 millirem standard falls within this range. The 25 millirem/yr dose limit proposed by the NRC would allow greater risk than that recommended by NAS. NAS has supported EPA's proposed 15 millirem standard. In its November 26, 1999 comments on the 15 millirem standard, NAS stated that "the magnitude of the proposed numeric value of the individual-protection standard is consistent with the recommendations in the [NAS] report."

North Idaho/Coeur d'Alene River Basin

Question 5. Idaho is currently listed on the Clean Water Act National Toxics Rule (NTR). This status precludes Idaho from establishing site-specific water quality criteria and forces so-called Gold Book Standards, developed without the benefit of knowledge of unique conditions and problems in Idaho. These standards will make it particularly difficult for dischargers in the Coeur d'Alene Basin, including the EPA's own Bunker Hill Superfund Site, to meet. In order to proceed with removing Idaho from the NTR, the EPA has requested consultations under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service and National Marine Fisheries Service. I understand that the biological assessment submitted by the EPA in accordance with the request for removing Idaho from the NTR may be inadequate and there may be some delay in completing the consultations. Does the EPA believe it has the authority to temporarily exempt the Coeur d'Alene River Basin from the NTR and Gold Book Standards while consultations are underway?

Response. EPA does have the authority to remove Idaho from the National Toxics Rule, despite the fact that EPA is still consulting with the U.S. Fish and Wildlife

Service and the National Marine Fisheries Service on Idaho's water quality standards pursuant to the Endangered Species Act (ESA). Given the fact that Idaho has adopted water quality criteria as stringent as the NTR criteria, EPA believes that removing Idaho from the NTR will not have any detrimental effects on endangered or threatened species pending our completion of consultation and will not prejudice our ability to act on the results of the consultation. We are approving Idaho's standards under the Clean Water Act, subject to Endangered Species Act consultation, and will be removing Idaho from the NTR within the next 60 to 90 days.

EPA's removal of Idaho from the National Toxics Rule (NTR) would provide the state more flexibility in implementing various provisions of the Clean Water Act, including development of site-specific criteria wherever appropriate within the state. With respect to the Coeur d'Alene River Basin, EPA and the State of Idaho Department of Environmental Quality have been examining various tools available to the state to provide regulatory relief, where appropriate, once NTR removal occurs. These tools include site-specific criteria and permit variances.

Removal from the NTR, however, is simply one step in reaching final decisions about appropriate requirements to protect water quality in the Coeur d'Alene Basin. Actual decisions about site specific criteria to protect endangered species still must be made, first by Idaho, and then by EPA. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service also still have critical decisions to make regarding requirements to protect endangered species.

Question 6. Reacting to strong opposition in the Coeur d'Alene River Basin community and the proposed state-led settlement negotiations, in December, 1999, the EPA agreed to delay its ongoing efforts to designate additional areas as Superfund sites. Under what understanding is the Agency proceeding in this matter?

Response. EPA supports the State's efforts to find a solution for the Basin that includes bringing all involved parties into a settlement discussion. You are correct that EPA has agreed to delay proposing further National Priorities List (NPL) listing in the Basin until the end of June, 2000. Please note however, that EPA is arguing in the United States Court of Appeals for the Ninth Circuit that all contaminated areas of the Basin are already on the NPL.

The State's effort to initiate settlement discussions holds the promise of resolving current litigation in a manner which will further our mutual goals of funding and implementing long-term cleanup and restoration of the Basin. Achieving a binding and workable cleanup plan remains EPA's first priority. EPA also supports Idaho's participation in this effort to help develop a cleanup plan that meets the needs of the citizens in the Coeur d'Alene Basin, including the Coeur d'Alene Tribe and all the interested parties involved in the Basin.

Question 7. The original estimate for the current Remedial Investigation/Feasibility Study (RI/FS) process in the Coeur d'Alene Basin was approximately $2 million. How much money has the EPA spent to date on the RI/FS and what is the projected final total?

Response. In the Spring and Summer of 1998, EPA conducted a series of public meetings related to the Remedial Investigation/Feasibility Study (RI/FS). In response to public inquiry at those public meetings, EPA reported that the Agency had spent, to date, roughly $2 million to initiate the RI/FS in the Basin. At that point in time the Region did not yet have an clear estimate of what the costs would be to perform the entire RI/FS.

To date, EPA has incurred approximately $10.4 million in costs (incurred by EPA contractors) associated with conducting RI/FS work in the Basin. In addition, EPA has provided and will continue to provide funds to the States, the Tribes and other Agencies through Cooperative Agreements and Inter Agency Agreements (JAGS) related to RI/FS activities. Under these vehicles, to date, EPA has provided approximately $4.2 million in funds, over $1 million to the State of Idaho alone. EPA projects that the total RI/FS costs (EPA's contractor costs) will be approximately $16.5 million, plus costs associated with Cooperative Agreements and JAGS.

Question 8. The EPA has announced it will be issuing a ROD for the RI/FS by December, 2000. State of Idaho officials have suggested that the ROD will be too general because the EPA's schedule provides insufficient time to review the science to develop a detailed ROD. The State of Idaho is currently participating in the RI/FS process to try to address this short coming. If the State of Idaho continues to raise concerns about the sufficiency of the science used in the EPA's RI/FS process, will the EPA choose to release the ROD on schedule with insufficient data or will the Agency delay releasing the ROD until all parties are confident in the sufficiency of the data?

Response. EPA is committed to completing a Record of Decision for the Coeur d'Alene Basin by December, 2000. The Agency is conducting the RI/FS in a manner

that will enable us to select an overall remedial approach to address the contamination in the Basin. By working closely with the State of Idaho during the Remedial Investigation/Feasibility Study and Record of Decision development, Region 10 will attempt to address the State's concerns. It is also important to note that details associated with cleaning up specific areas will be developed during the Remedial Design stage. The State and local governments and community members will be critical partners during that stage. There is always the possibility that if circumstances warrant, the remedy may be modified through ROD Amendments or Explanation of Significant Differences (ESDs) or additional RODs may also be required.

Question 9. The EPA has been involved with the cleanup of the Silver Valley in North Idaho for over 15 years. During this time, the EPA has taken actions that have engendered serious local opposition and distrust within the community. This relationship clearly does not help in the ultimate goal of promoting locally supported environmental activities. At the same time, the community appears increasingly to favor the State of Idaho in the search for solutions to environmental problems within the state. Will the EPA support State of Idaho having the lead role in cleaning up areas outside the boundaries of the Bunker Hill Superfund Site "box"?

Response. EPA places a strong emphasis on state and local government involvement in Superfund actions. In fact, the cleanup at Bunker Hill is an example of a successful Federal, state and local partnership. As you may know, the State of Idaho's Division of Environmental Quality has the lead role on a substantial portion of the Bunker Hill "box" cleanup (design, implementation, and community relations), including: the Smelterville Flats; Bunker Creek; Gulch removals and restoration; residential yard cleanup oversight; Union Pacific Railroad Right-of-way cleanup oversight; and Stauffer cleanup oversight. In addition, the Panhandle Health District manages the Institutional Controls Program (ICP) which many believe will serve as a catalyst for economic redevelopment in the Silver Valley.

Outside the Bunker Hill Superfund Site "box," EPA is very aware that people in the Coeur d'Alene Basin want the State of Idaho to have a leadership role in both the current study and future cleanup actions. Through two Cooperative Agreements, Region 10 is supporting the State's involvement in the Remedial Investigation/Feasibility Study. The Region is also committed to working actively with the State on a comprehensive cleanup plan for the Basin.

TMDLs

Question 10. Does your interpretation of Section 303(d) of the Clean Water Act permit anyone other than states (or in the case of disapproved state submissions, the Administrator) from establishing total maximum daily loads in impaired waters?

Response. Section 303(d)(1)(C) of the Clean Water Act provides that "[e]ach State shall establish . . . the total maximum daily load . . .", and section 303(d)(2) provides that, if EPA disapproves a State's TMDL, "the Administrator" shall establish one. Section 303(d)(2) also provides that, from time to time, "[e]ach State shall submit" TMDLs to EPA. Because the statute specifically says that States submit TMDLs and that States and the Administrator establish them, EPA believes that other parties may not "submit" TMDLs to EPA for review or "establish" TMDLs.

EPA does not interpret the statute, however, as preventing other entities, such as local governments, interstate commissions, or citizen and industry stakeholder groups, from assisting States or EPA in the development of TMDLs. Indeed, such participation is to be encouraged and these groups may, if the State or EPA desire, do a significant portion of the TMDL development work. The developed TMDL, however, must be "established" by the State and "submitted" by the State to EPA for review, or "established" by EPA in the case of a disapproved State submission.

Clean Water Act

Question 11. Because Idaho has not been delegated authority to issue NPDES permits, the EPA is responsible in our state for those applications. In the establishment of a draft permit, the EPA recently sought to enforce a standard that the State of Idaho suspects is inappropriately stringent because it suggests a temperature level that may be lower than the range of natural temperature of the river. If true, the permit holder would be required to spend money on cooling systems that may not ultimately be successful. Do you believe it is appropriate for the EPA to seek to enforce a temperature standard that is not supported by scientific evidence?

Response. The temperature standard in question was adopted by the State of Idaho. Section 301 (b)(l)(C) of the Clean Water Act and EPA regulations at 40 CFR 122.44 require that permits contain limits that will ensure compliance with State water quality standards.

The question of whether current Idaho temperature standards are appropriate is a highly controversial one. A similar debate over temperature standards in neigh-

boring Oregon resulted in an agreement by EPA to pursue further scientific review of the issue of appropriate temperature standards in the Northwest. This review, just now getting underway, includes participation by Idaho.

In the meantime, EPA is working with the State of Idaho and the discharger in question to explore options such as variances, total maximum daily loads, or other means to provide a workable solution.

Clean Air Act

Question 12. Could you provide me with a detailed schedule of past and future involvement of EPA officials in matters surrounding Northern Ada County designation under the Clean Air Act?

Response. The schedule below identifies the major relevant events surrounding the Northern Ada County/Boise area designation:

- November 1990—The Northern Ada County/Boise area in Idaho designated nonattainment for particulate matter (PM_{10}).
- May 30, 1996—EPA approves Idaho's State Implementation Plan (SIP) for the Northern Ada County/Boise area.
- ? July 1997—Following extensive scientific review, the Environmental Protection Agency (EPA) revises the national ambient air quality standards (NAAQS) for particulate matter to more accurately reflect observed health effects. Both the previous PM_{10} standards and the revised standards were to remain in effect until the previous standards were formally revoked for a given area.
- July 1998—The State of Idaho requests revocation of the previous PM_{10} standards and the associated "nonattainment" designation for the Northern Ada County/Boise area. Air quality monitoring data show no violations of the standards in the area since 1991.
- January 8, 1999—The Northern Ada County/Boise area falls out of compliance with the Clean Air Act's air quality/transportation "conformity" requirements because the State has not demonstrated that transportation projects are consistent with its approved air quality SIP.
- March 12, 1999—EPA revokes the previous PM_{10} standards for the Northern Ada County/Boise area. The revocation also removes other Clean Air Act requirements associated with the earlier standards, including the nonattainment designation, new-source review and air quality/transportation conformity requirements.
- March 18, 1999—Environmental organizations file a petition for judicial review in the U.S. Court of Appeals for the 9th Circuit challenging EPA's revocation of the PM_{10} standards.
- May 14, 1999—The U.S. Court of Appeals for the District of Columbia vacates EPA's revised coarse particle (PM_{10}) standards.
- September 9, 1999—The U.S. Department of Justice (DOJ) files a motion with the 9th Circuit court on EPA's behalf for a voluntary remand of our decision to revoke the previous PM_{10} standard in the Northern Ada County/Boise area. The motion asks that the court remand the decision without vacating it, and that it hold all proceedings in the consolidated cases in abeyance while EPA undertakes a rulemaking to reconsider the decision. The motion states that EPA intends to initiate a rulemaking proposing to reinstate the previous PM_{10} standard, during which the public, including the State, can comment, and issue a final rulemaking within 4–6 months. Environmental groups led by the Environmental Defense Fund (EDF) file a reply opposing EPA's motion for voluntary remand. EDF asks the Court to vacate and remand EPA's revocation action as their primary request for relief.
- November 19, 1999—The 9th Circuit Court of Appeals denies the EPA motion for a voluntary remand.
- December 17, 1999—EPA files brief opposing petitioners' challenge and argues that their primary claims, which are directed at issues decided by EPA in the 1997 rule promulgating the NAAQS, were untimely and, consequently, the Court lacked jurisdiction to reach the decision on the merits. EPA also reiterates its request that the Court remand the matter to the Agency so that the Agency can propose to reinstate the previous PM_{10} standard in Boise.
- February 1, 2000—Petitioners file a reply to EPA's brief and again ask the Court to vacate and remand EPA's revocation action.
- Since September 1999—EPA continues to have discussions with the State and local officials and with EDF to try and find a fair and reasonable solution to the situation.

Question 13. Has the EPA committed to seeking a solution to the current dispute that is agreeable to the State of Idaho and the local development planning authority?

Response. EPA is committed to and has worked diligently to seek a solution to the current dispute that is agreeable to all parties concerned. The State and local

planning authorities are currently engaged in settlement discussions with the environmental litigants. The EPA has been supportive of these discussions and has been and remains available for consultation.

Clean Air Act

Question 14. In the rural West, Federal land management agencies take actions that have significant consequences in our air quality. Prescribed burns in forest areas are undertaken by the U.S. Forest Service to ensure the health and viability of forests. Nonetheless, communities that are adjacent to or surrounded by National Forests are subject to the migration of air emissions from these and other forest management practices. Will the EPA count smoke from these burns against the state or region's air quality allowances?

Response. On May 15, 1998 EPA issued an interim policy for addressing public health and welfare impacts caused by wildland and prescribed fires. The policy, known as the Interim Air Quality Policy on Wildland and Prescribed Fires, encourages State and tribal air quality managers to collaborate with wildland owners and managers to mitigate the air quality impacts of prescribed fires and to develop and implement smoke management programs (SMP's) to prevent deterioration of air quality and the violation of health standards, mitigate the nuisance and public safety hazards (e.g., on roadways and at airports) posed by smoke intrusions, and address visibility impacts in parks and wilderness areas. If States and tribes actively implement SMPs, EPA will exercise its discretion under the Clean Air Act not to redesignate areas as nonattainment because of smoke from prescribed fires.

Question 15. If no, how will the EPA work with state and regional authorities to help quantify the impact of such practices on local air quality? If yes, what authority will state and regional officials be given to undertake actions on public lands to mitigate air emissions for which they will be accountable?

Response. The State of Idaho has a Smoke Management Program (SMP) in place. Therefore, smoke from Federal burns will generally be exempt and EPA will not redesignate Idaho areas as nonattainment because of smoke from prescribed burns. However, if smoke from prescribed burns begins to cause PM air quality violations, EPA will call on the State to review the effectiveness of the SMP and make appropriate improvements to mitigate future air quality impacts. If the problem continues, EPA will call for the SMP to be made part of the State's air quality implementation plan (SIP) and be federally enforceable.

RESPONSES BY MICHAEL MCCABE TO ADDITIONAL QUESTIONS FROM SENATOR LAUTENBERG

Question 1. As you know, I have introduced legislation to improve the quality of the waters we swim in at our nation's beaches. I understand that EPA has a program underway to help states adopt water quality standards for coastal waters. From your perspective having come from a region with several coastal states (Delaware, Maryland, Virginia), what improvements need to be made in how we protect health at our beaches?

Response. EPA believes that improvements to beach monitoring and public notification programs to make them more consistent nationally are needed to provide better public health protection. As one way to enhance public notification, in consultation with States, EPA has established a public right-to-know data base about beach water quality.

Moreover, EPA believes that consistent, scientifically defensible water quality standards for states and tribes are very important. Some of these water quality standards are intended for recreational use. These recreational water quality standards provide the scientific and programmatic framework for enhancing protection of public health at beaches. To address another area of needed improvement, EPA is working with states and tribes to ensure that they adopt state standards which incorporate the Agency's published criteria for Escherichia cold and enterococci; research data support the use of these microbes as indicators of swimming-associated gastrointestinal disease. The water quality standards program framework established by the Clean Water Act and continued by the Lautenberg bill is flexible, allowing for state variation consistent with protection of public health and good scientific practice, and revisions by EPA and States as new bacteriological indicators, monitoring protocols, and models are developed.

OEI

Question 2. Part of your portfolio as Deputy Administrator would be oversight of EPA's new information office. Senator Crapo and I intend to introduce a bill shortly

that we believe is very much in keeping with the spirit of that office, and we would appreciate having EPA's support for it.

The Streamlined Environmental Protection and Pollution Prevention Act of 2000 would require EPA to give each business one point of contact for all Federal environmental routine reporting requirements, and to otherwise minimize the administrative burdens of environmental reporting. This "one-stop" reporting system would use a common nomenclature throughout and use language understandable to businesspeople, not just to environmental specialists. Its electronic version would also provide pollution prevention information to participating businesses. The bill would also give each State, tribal or local agency the option of reporting information to one point of contact at EPA.

My staff has discussed this bill with EPA, and received much thoughtful and constructive technical advice. We have been able to respond to the great majority of issues raised by EPA. One important issue remains, however—the deadline by which EPA is to perform the activities required by the bill. Our draft bill would establish a deadline 4 years after the effective date.

Would you be able to support a 4-year deadline? Otherwise, could you suggest a more appropriate timeline, and agree to work with us as we move this bill through Congress?

Response. While EPA staff have held discussions with your staff on technical issues related to your draft legislation, the Administration has not yet developed a position on the bill. It would, therefore, be premature for me to comment on the deadline contained in the draft language, or on other aspects of the bill. We are happy, however, to continue to work with you regarding the draft bill.

Through the recently established Office of Environmental Information, EPA is moving ahead on numerous information management and security issues, without the need for legislation. We are, as part of our Integrated Information Initiative, continuing development of a Central Receiving Facility. The Facility will provide the option of one point of contact for both states and regulated entities which report directly to EPA. Central Receiving also will facilitate our move to electronic reporting. We also are proceeding with plans to adopt, in partnership with states, data standards which will provide the common nomenclature needed to facilitate integration of environmental data, and to aid analysis and interpretation for users.

RESPONSES BY MICHAEL MCCABE TO ADDITIONAL QUESTIONS FROM SENATOR GRAHAM

Comprehensive Everglades Restoration Plan

Question 1. Everglades restoration is anticipated to be a major component of committee action this year. It is also a large priority for the state of Florida. I am concerned that EPA recently could not provide answers to detailed questions on the Army Corps of Engineers' Restudy restoration plan. Are you planning to dedicate staff to ensure that EPA can participate in this committee's debate on the Restudy authorization?

Response. EPA thanks the committee for holding the recent field hearing on the Comprehensive Everglades Restoration Plan (CERP) and allowing the Agency to provide its vision on restoring the Everglades and the CERP. We look forward to a continued dialog with members of the Senate Environment and Public Works Committee, the Army Corps of Engineers and all interested parties in order to ensure the successful restoration of one our Nation's most precious resources. The Agency currently is preparing clarification and detailed answers to questions that Members had in regards to the Administrator's testimony. We are prepared to provide the committee assistance as it considers the restudy authorization.

The EPA is firmly committed to providing the necessary staff resources to assist in implementing the Comprehensive Everglades Restoration Plan. Currently, EPA's Office of Water, Region IV and the South Florida office of Region IV provide scientific, legal, and technical expertise to the Everglades restoration effort. EPA also provides a full time staff person at the Army Corps of Engineers' Jacksonville Mississippi office to assist in the restoration effort.

TMDLs

Question 2. In passing the Clean Water Act the Congress expressly recognized the primary responsibility and right of the States to prevent, reduce and eliminate pollution and to plan the development and use of. . . land and water resources (33 USC 1251(b)(1972). The TMDL proposal however calls for EPA involvement in state implementation plans—which can be expected to result in EPA decisions regarding local land use. In this regard:

Question 2a. What is EPA's authority for involvement in TMDL implementation plans?

Response. Section 303(d) requires that TMDLs, whether established by a State, Territory, or authorized Tribe, or by the Administrator, "be established at a level necessary to implement the applicable water quality standards." As the implementation plan provides a description of the voluntary and regulatory programs and authorities, EPA has proposed that one way to address this is to review the implementation plan and determine that there is "reasonable assurance" that the TMDL will be implemented and will result in the achievement of water quality standards.

Question 2b. In what manner will EPA recognize the primacy of State and local involvement in the implementation of the TMDL program?

Response. Section 303(d) requires states to identify waters and establish TMDLs, and submit them to EPA for review. EPA approves or disapproves the list and TMDLs. If EPA disapproves, then the statute requires EPA to identify the water or establish the TMDL. EPA expects States to take the lead in developing and implementing TMDLs and does not expect to be directly involved in development or implementation of most TMDLs. As part of the process, EPA will work with the States and other stakeholders.

Question 2c. Is it expected that EPA's direct involvement with the States in the TMDL implementation plans will be more efficient than state and local implementation solely under broad EPA guidance?

Response. As noted in the response to the previous question, EPA expects States to take the lead in developing and implementing TMDLs. EPA does not expect to be directly involved in development or implementation of most TMDLs.

EPA will, as directed by the Clean Water Act, review State-developed TMDLs to assure that they comply with the requirements of the Act. Under the proposed rule, this includes review of implementation plans submitted by States as part of the TMDL. EPA believes that this proposed approach, rather than reliance solely on broad guidance, is needed to provide "reasonable assurance" that approved TMDLs will result in the achievement of water quality standards.

Question 2d. Has EPA identified the economic costs of the TMDL proposals and increased EPA staff requirements of implementing the plan?

Response. EPA correctly certified that the proposed rule would not have a "significant impact on a substantial number of small entities." EPA completed the economic assessment of the proposed regulation revisions consistent with guidelines established by the Office of Management and Budget (OMB) and published the proposal for public comment following OMB approval.

It is important to note that the economic assessment of the proposed rule defines costs and benefits associated with the changes that the proposed rule would make in existing regulations. EPA did not estimate, and was not required by law or Executive Order to estimate, the costs of complying with the requirements of section 303(d) of the Clean Water Act as passed by Congress in 1972 or the existing regulations that States and EPA now rely on to implement the TMDL program.

Our preliminary estimates, subject to additional work, are that state costs will increase by $10–24 million annually to implement the rule, and that the private sector will expend approximately $17–65 million annually for on-the-ground actions needed to implement the TMDLs. These costs are relatively low because the major assumption behind the estimated costs is that full implementation of required regulatory programs—such as NPDES, including storm water and installation of best available technology—as well as voluntary, incentive-based programs—such as section 319 grants and the Conservation and Wetlands Reserve Programs—will be sufficient, in most cases, to achieve water quality standards.

EPA expects that each Regional Administrator will, consistent with other water program priorities, provide adequate technical assistance and oversight for the TMDL program. EPA will periodically evaluate its staff needs for TMDLs.

Question 2e. EPA's proposed regulations on TMDLs would involve the EPA in many strictly local decisions. For example, land use planning typically occurs over many years as city and county plans are prepared, subjected to public notice and comment and implemented. How does EPA intend to implement these programs and provide, for example, timely review, approval and monitoring of all state and local implementation plans so that state and local agencies can continue to respond in a timely manner to their constituents?

Response. EPA expects that states, in concert with local authorities, will develop and implement TMDLs. For implementation of TMDLs, EPA recognizes that local programs and planning processes will play a major role. We expect that these local programs and processes will be integral in state schedules, which will also include milestones for monitoring progress in implementation. With respect to EPA review

and approval, under the proposed rule EPA will take action to approve or disapprove a TMDL within 30 days of the state's submission.

RESPONSES BY MICHAEL MCCABE TO ADDITIONAL QUESTIONS FROM SENATOR THOMAS

TMDLs

Question 1. What is EPA's Statutory authority for asking States to list and develop TMDLs for waters impaired and threatened by pollutants from nonpoint source and by pollutants from air deposition?

Response. EPA has the authority to "include NPS pollution" in the TMDL program under section 303(d). In the preamble to the August 20, 1999 proposed TMDL rules, the Agency presents, in some detail, its legal analysis concluding that the Clean Water Act provides authority to require listing waterbodies impaired by pollution from either point sources, nonpoint sources, or both, and establishment of TMDLs for pollutants in these waters (see pages 46020–21 in the preamble of the proposed rule).

The key point is that section 303(d) is intended to identify waters where the applicable water quality standard is not attained and develop TMDLs for these waters that "implement" the standards (section 303(d)(1)(A) and (C)). The fact that section 303(d)(1)(A)'s identification provisions reference "effluent limitations" required by section 301 does not limit the section's reach to waters impaired only by point sources. Because nonpoint source-only impaired waters can never be returned to compliance with applicable water quality standards simply by application of section 301 effluent limitations, identification of such waters on a State's section 303(d) list is consistent with the plain meaning of the words in section 303(d)(1)(A).

This key conclusion is supported by several additional considerations——

In drafting section 303(d), Congress did not expressly exclude NPS impaired waters from the Act's identification and TMDL establishment requirements.

By placing section 303(d) within section 303 (whose provisions include water quality standards and implementation plans) instead of section 301 (which deals with point source controls), Congress gave TMDLs and section 303(d) lists a broad, all-sources "water quality-based" scope, rather than a more narrow, point source-only focus.

The conclusion that section 303(d) includes NPS impaired or threatened waters is also consistent with Act's broad objective to "restore and maintain the chemical, physical, and biological integrity" of all the nation's waters. Enactment of section 319 in 1987 in no way limits consideration of nonpoint sources in section 303(d). Section 319 is designed to "reduce" pollution from nonpoint sources generally and is not designed to result in attainment of water quality standards in specific polluted waters. The reductions in pollution accomplished under section 319 programs reduce the extent of NPS pollution and reduce the number of waters that become polluted. Thus, the program complements and supports more focused, waterbody specific efforts under section 303(d) to bring together all sources in an effort to restore the polluted water and attain water quality standards.

Finally, it is critical to note that the conclusion that the polluted waters lists and TMDLs should include NPSs does not mean that these NPSs are subject to any new controls or the requirement to have a Clean Water Act permit.

Question 2. What is EPA's statutory authority for applying drinking water standards in ambient waters?

Response. The TMDL proposal does not require that ambient water quality meet drinking water standards (Maximum Contaminant Levels or "MCLs") established under the Safe Drinking Water Act. The Safe Drinking Water Act MCLs apply to treated drinking water delivered to customers by public water systems. The rule does, however, reflect the Clean Water Act's requirement in section 303(d)(1)(C) that TMDLs be established at a level necessary to implement applicable water quality standards. Such Clean Water Act standards include the waterbody's designated use (including public water supply) and numeric or narrative criteria adopted to ensure the use is met.

In addition, Section 303(d) says that States shall establish a priority ranking for establishing TMDLs taking into account "the severity of the pollution and the uses to be made of such waters." EPA's TMDL proposal reflects the Agency's belief that demonstrable threats to human health, in the form of polluted drinking water sources, be given high priority by States as they establish TMDLs. This is articulated in section 130.28 of the proposal which requires States to assign a "high priority" on their section 303(d) lists to a waterbody if it is "designated in water quality standards as a public drinking water supply, used as a source of drinking water and

the pollutant for which the waterbody is listed as impaired is contributing to a violation of and MCL."

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING
WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to the Honorable John H. Chafee, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

Name of Nominee: W. Michael McCabe

Business Address: U.S. Environmental Protection Agency

1200 PA Avenue, NW, Washington, D.C. 20460

Business Phone: (202) 564-4711

Home Address: 4 Normandy Drive

Chadds Ford, Pennsylvania 19317

Home Phone: (610) 388-0205

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: McCabe (Last) W. (First) Michael (Middle)

Position to which nominated: Deputy Administrator, Environmental Protection Agency

Date of Nomination: November 16, 1999

Date of Birth: April 22, 1952 **Place of Birth:** Charlotte, NC

Marital Status: Married **Full Name of Spouse:** Maria Elisabeth McCabe

Name and Ages of Children: Morgan Elisabeth Clark McCabe, Age 7

Alix Victoria McCabe, Age 3

Education:

Institution	Dates Attended	Degrees Received	Dates of degrees
Duke University	1970 - 1974	B.A.	1974

Employment Record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Acting Deputy Administrator, U.S. EPA, Washington, DC; November 1999-Present

Regional Administrator, U.S. EPA, Philadelphia, PA; July 1995-November 1999

Delaware Director of Communications and Projects, U.S. Senator Joseph R. Biden, Jr., Wilmington, DE; January 1988 - July 1995

Administrative Director, Biden for President, Inc., Wilmington, DE; June 1987-Dec 1987

Commercial Real Estate Agent, Gilpin Allegheny Realty Co., Wilmington, DE; April 1985-June 1987

Staff Director, Subcommittee on Energy Conservation and Power, Energy and Commerce Committee, U.S. House of Representatives, Washington, DC; January 1981-March 1985

Coordinator, Environmentalists for President Carter, Carter/Mondale Campaign, Washington, DC; Fall 1980

Employment Record - - continued

Executive Director, EarthDay '80, Washington, DC; October 1979-May 1980

Staff Director, Environmental and Energy Study Conference, U.S.Congress, Washington, DC; October 1976-September 1979

Legislative Assistant, Senator Gary Hart, U.S. Senate, Washington, DC; January 1975 - October 1976

Issues Director, Hart for Senate Campaign, Denver, CO; Summer, Fall 1974

PLEASE SEE ATTACHED RESUME for ADDITIONAL DETAILS CONCERNING THE EMPLOYMENT RECORD.

Honors and Awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other recognitions for outstanding service or achievement.

1999 Chesapeake Bay Program Special Recognition

1999 Virginia Conservation Network Special Recognition

1998 Delaware MS Society Outstanding Achievement

1996 EPA Region III Human Resources Employee Recognition

1979 National Wildlife Federation Organization of the Year

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic charitable and other organizations.

Organization	Office held (if any)	Dates
Friends of Aiglon College	**Vice President**	**1986 to Present**
Delaware Theatre Company	**Board Member**	**1986 - 1996**
Delaware Futures	**Board Member**	**1993 - 1996**

Qualifications:

State fully your qualification to serve in the position to which you have been named.

Protecting the nation's public health and natural resources is one of the most important legacies that we can leave for our children. Protecting the air we breathe, ensuring that our drinking water is safe and clean and that we can swim and fish in our lakes and rivers is critical to all of us. Managing the pesticides used on the foods we eat, and storing and disposing of solid wastes in ways that prevent harm to the public health are essential in carrying out the Agency's mission.

For most of the past 25 years, I have devoted my career to public service in the field of environmental protection and natural resources management. From my earliest professional experience in the 1970s, when many of the nation's environmental laws were being drafted, I have attempted to bring new ideas and leadership to strategies to control pollution and wisely use our natural resources. I am steadfastly committed to promoting innovative, common sense approaches to environmental protection by building partnerships at all levels of government and assuring stakeholder involvement. While serving as director of the U.S. House of Representatives Energy Conservation and Power Subcommittee, of the House Commerce Committee, we enacted the nation's first program for the safe disposal of nuclear waste.

In addition to a solid foundation in environmental policy, I also have extensive experience in managing a variety of organizations including the Representatives Energy Conservation and Power Subcommittee, the bipartisan Congressional Environmental and Energy Study Conference, and the most useful experience relative to my nomination, that of Regional Administrator for the Mid-Atlantic states.

As the Mid-Atlantic's longest-serving Regional Administrator, I managed and directed a staff of approximately 1000 employees with a budget exceeding $700 million. In this position, I took an active interest in the efficient operation of the regional office, and conducted an internal assessment of regional management and personnel practices in order to make the region work better, as well as make it a better place for employees to work. For example, I was responsible for restoring drinkable water to the District of Columbia and directing EPA's national approach to managing poultry waste from factory farms. I also co-chaired a subcommittee of the Agency's Common Sense Initiative that succeeded in streamlining permitting and pollution control measures to achieve superior environmental performance for the printing industry.

As Regional Administrator, I also was part of the Agency's senior management team and was involved in national strategic planning, budget priority setting, and public outreach. This provided me with the ability to translate the Agency's national priorities into a regional context. Perhaps more important, it also provided me with an opportunity to bring the perspective I gained from my day-to-day work with the states to bear on the development of those national policies and priorities. Working closely with my colleagues around the country gave me a greater appreciation for the regional variation in environmental problems and the unique approaches used in resolving these complex issues.

In summary, my environmental policy expertise, management skills, and strong commitment to public service provide me with the requisite qualifications to carry out the role of Deputy Administrator.

Future Employment Relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

   My present employer is EPA.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm or organization.

   No plans.

3. Has anybody made a commitment to you for a job after you leave government?

   No

4.(a) If you have been appointed for a fixed term, do you expect to serve the full term?

   Does not apply.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

   No known limitations.

(c) If you have previously held any Schedule C or other appointive positions in the Executive Branch, irrespective of whether the position required Congressional confirmation, please state the circumstance of your departure and its timing.

   Transfer from Regional Administrator to Acting Deputy Administrator.

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

   None.

2. Are any assets pledged?

No

3. Are you currently a party to any legal action?

Only those legal actions resulting from representing the Agency as Regional Administrator

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstance.

Yes.

5. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit.

No.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associated, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investment, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflict of interest, with the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

Does not apply.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I will adhere to the ethics regulations by complying with the November 19, 1999 letter from Stephen D. Potts (OGC) to Chairman Smith, and my ethics agreement dated November 10, 1999 - both of which are attached.

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party of election committee during the last 10 years.

Registered Democrat

Campaign work for Citizens for Biden, Inc., 1990

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written.
Please list first any publications and/or speeches that involve environment or related matters.)

Articles by W. Michael McCabe

8/14/85	Fuel Economy Standards
12/5/95	Celebrating 25 Years of Environmental Protection
2/22/96	WILMPACO's Plan Should Ease Region's Growing Pains
3/12/96	Water and Air Pollution: Separate But Equal
3/28/96	A Date That Only Trout Could Hate!
3/29/96	Environmental Criminals, Clean Up Your Act
4/11/96	Give Thanks to the Earth
Apr 96	The Iroquois Had the Right Idea
4/18/96	Earth Day
4/18/96	President Offers Hope for "Brownfields"
5/22/96	Cost of Gas is Higher Than You Think
5/28/96	Article: It Really Pays to Save Energy
6/25/96	Why We Fight for America's Wetlands
1/8/97	Who Is Polluting the Bay?
2/28/97	Suburban Sprawl Can Threaten Drinking Water
3/19/97	Why Getting Cars Tested on a Treadmill Comes Down to Dollars & Sense
4/2/97	Environmental Justice for All
4/18/97	A Job Well Begun Remains to Be Completed
4/30/97	Global Climate Change is Upon Us
5/21/97	Delaware Inland Bays - Small But Precious Jewels in the Coastal Crown
8/10/97	The EPA is good for the Economy
8/27/97	It Pays to Save Energy
11/12/97	Take the Next Step on America Recycles Day
12/1/97	Can Small Business Help Cool the Climate?
12/1/97	Recent Prosecutions Underscore Importance of Clean Water Act Compliance at Wastewater Treatment Plants
12/7/97	A Tale of Two (Superfund) Sites
2/2/98	Look Beyond the Farm Field for Troublesome Nutrients
2/2/98	When it Rains, it Drains...Into Your Local River
2/11/98	Go Ahead, Make My Day
2/19/98	How to Cut Utility Bills - EPA's ENERGYSTAR® Small Business Does the Homework for You
2/20/98	Impure Thoughts: Congress Reconsiders Ground Water Cleanup Rules
4/30/98	Ride the Water Cycle
8/20/98	Comment: It's Time Poultry Companies Paid to Curb Pollution
10/7/98	Emissions Plan Seeks Fairness
10/8/98	Cutting Air Pollution - It's Only Fair
10/26/98	Donora Disaster Was Crucible for Clean Air
11/15/98	Buy Recycled Products on "America Recycles Day"
12/11/98	Investigate the Water You're Drinking: Look for the New Water Quality Reports
Feb 99	1999 is the Year for Water Suppliers to Tell You What's in Your Drinking Water
Apr 99	Earth Day: A Time to Reflect
Aug 99	No Vacation from Air Pollution
Nov. 99	An Environmental Journey

Speeches by W. Michael McCabe

9/8/95	Philadelphia Environmental Budget Impacts
9/21/95	Regional Environmental Outlook: PenJerDel
10/16/95	Regional Environmental Outlook: Chamber of Commerce
3/26/96	Sustainable Development: PA Conference on Sustainable Development
4/9/96	Regional Enforcement Issues: SONREEL Conference
4/10/96	Enforcement and Performance Partnerships
4/30/96	Regional Enforcement: State/EPA Enforcement and Compliance Meeting
5/9/96	West Virginia Environmental Issues: West Virginia Manufacturers Forum
5/13/96	Land Use in Maryland--Using Foresight to Protect the Future
6/11/96	Business & The Environment: Maryland Chamber of Commerce Conference
6/21/96	PA Environmental Issues: Pittsburgh Chamber of Commerce
7/29/96	Outlook on Water Issues: PA Waterworks Operators Association
9/29/96	Embracing Ecosystems: PA Environmental Congress
10/16/96	Cleaning up the Air: Northampton Community College
10/24/96	Devolution: WV Environmental Conference
11/7/96	Innovation at EPA: Graphic Arts Association
12/2/96	Wetlands and Estuaries: Shallow Waters Conference
4/8/97	Climate Change: West Chester University
4/9/97	Superfund and Brownfields: Industrial Sites Recycling Conference
7/30/97	Superfund and Brownfields: ABA Conference
8/14/97	Business and Environmental Innovation: Wilmington Rotary Club
10/1/97	Climate Change: Salisbury State University
10/23/97	Climate Change: University of Delaware
10/16/97	Business and Environment: Delaware State Chamber of Commerce
11/7/97	Climate Change: University of Pennsylvania
12/17/97	Regional Enforcement: All States Enforcement Meeting
4/7/98	Climate Change: Bryn Mawr College
4/14/98	Sustainable Development: Pittsburgh Industrial Site Recycling Conference
5/1/98	Next Generation of Environmental Policy: Carnegie Mellon University
5/27/98	Progress of Superfund Reform: Reinsurance Panel
9/22/98	Next Generation of Environmental Policy: MD Environmental Law Seminar
10/21/98	Stormwater Management: Villanova University
10/24/98	Valley Fills/Mountaintop Removal: West Virginia Hearing
11/13/98	Sustainable Development: VA Manufacturers Association
12/17/98	Sustainable Development: DE Chamber of Commerce
3/5/99	Climate Change: National Assoc. Of Science, Technology & Society
4/20/99	America & The Environment in the 21st Century: Drexel University
4/21/99	Government Role in Sustainability: Environment Virginia Conference
4/27/99	Sustainable Development: Duke Club of Delaware
5/11/99	EPA's Vision for the 21st Century
7/21/99	Unifying Urban Wet Weather Programs: AMSA Conference
9/27/99	Livability in Region III: Livability Roundtable

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

No. _____

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes.

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No.

AFFIDAVIT

_____) ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by the Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 13th day of JANUARY, 2000.

Notary Public
FRANCIS P. BONDS
NOTARY PUBLIC, DISTRICT OF COLUMBIA
My Commission Expires: 31 August 2001

United States
Office of Government Ethics
1201 New York Avenue, NW., Suite 500
Washington, DC 20005-3917

November 19, 1999

The Honorable Robert C. Smith
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510-6175

Dear Mr. Chairman:

In accordance with the Ethics in Government Act of 1978, I enclose a copy of the financial disclosure report filed by W. Michael McCabe, who has been nominated by President Clinton for the position of Deputy Administrator of the United States Environmental Protection Agency.

We have reviewed the report and have also obtained advice from the Environmental Protection Agency concerning any possible conflict in light of its functions and the nominee's proposed duties. Also enclosed is an ethics agreement dated November 10, 1999, outlining the steps which Mr. McCabe will take to avoid conflicts of interest. Unless a specific date has been agreed to, the nominee must fully comply within three months of his confirmation date with the actions he agreed to take in his ethics agreement.

Based thereon, we believe that Mr. McCabe is in compliance with applicable laws and regulations governing conflicts of interest.

Sincerely,

Stephen D. Potts
Director

Enclosures

bcc: ✓ Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MEMORANDUM

SUBJECT: Ethics Agreement November 10, 1999

FROM: W. Michael McCabe
Regional Administrator, EPA Region III

TO: Scott C. Fulton
Designated Agency Ethics Official

As reported on page 3, line 7, of my SF 278, my wife is the proprietor of Media Access Co., a consulting firm in Chadds Ford, Pennsylvania. This firm provides consulting services regarding organizations' and companies' relations with the news media. If confirmed and appointed as Deputy Administrator of the Environmental Protection Agency, I will not participate in any "particular matter" in which an entity my wife's firm serves or is seeking to serve is a party or represents a party, unless the Administrator authorizes such participation in consultation with the Designated Agency Ethics Official.

W. MICHAEL McCABE

Acting Deputy Administrator
U.S. Environmental Protection Agency
Washington, DC
202/260-4711

PROFESSIONAL EXPERIENCE

Acting Deputy Administrator, U.S. EPA, Washington, DC; November 1999-Present

Nominated by President Clinton and appointed Acting Deputy Administrator by Administrator Carol M. Browner in November 1999, assist the Administrator in setting and communicating national environmental policy, implementing and enforcing federal environmental laws, and ensuring the efficient management of the Agency. In particular, manage EPA's day-to-day operations.

Regional Administrator, U.S. EPA, Philadelphia, PA; July 1995 - November 1999

Appointed by President Clinton as Regional Administrator of the Environmental Protection Agency's Mid Atlantic Region. The Regional office implements and enforces Federal environmental programs in Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Directed and managed a staff of 1,000 engineers, scientists, attorneys and support specialists, and directly supervised 12 senior managers.

Key management accomplishments included reorganizing the regional office and senior management after conducting an extensive internal assessment involving formal and informal employee forums, surveys, and management retreats and completely restructuring the Region's internal and external communications and public outreach systems.

Key environmental accomplishments include achieving an industry-led approach to control waste from poultry feedlots; spearheading a four-agency Federal effort to reform environmental review and permitting of mountaintop mining operations in the Appalachian states; co-chairing national effort to streamline permitting and pollution control to achieve superior environmental performance by the printing industry; directing Agency initiative to return Washington, DC's drinking water and sewer system to safe operation and restore public confidence; and establishing a Federal/state, multi-agency process for integrating environmental concerns early in transportation project permit development.

Delaware Director of Communications and Projects, U.S. Senator Joseph R. Biden Jr., Wilmington, DE: January 1988 - July 1995

Key advisor to Senator Biden on issues and politics. Managed Senate staff working on Delaware issues and projects and served as the Senator's official spokesman. Responsibilities included developing priority projects and interacting with government, business and citizen groups to meet state needs. Projects included implementing the 1994 comprehensive crime bill in Delaware, identifying federal resources for Christina River restoration and obtaining funds for advanced composite materials research. Coordinated interaction between Delaware staff and legislative functions in Washington. Communications Director responsibilities included creating and implementing national and statewide communications strategy to inform the public of the Senator's activities and accomplishments, and defining themes and messages to convey the Senator's legislative priorities. Coordinated information exchange between the Judiciary Committee, Foreign Relations Committee, Delaware office and legislative staff.

Administrative Director, Biden for President, Inc., Wilmington, DE: June 1987 - Dec. 1987

National Administrative Director and Controller for Senator Biden's presidential campaign. Supervised and managed $9 million budget and accounting functions for projected first-phase. Directed resource priorities for campaign operations. Organized expenditure reporting and accountability procedures. Managed Federal Elections Commission compliance staff and oversaw resource distribution for field offices.

Commercial Real Estate Agent, Gilpin Allegheny Realty Co., Wilmington, DE: April 1985 - June 1987

Broker for commercial real estate sales and acquisitions in New Castle County, Delaware. Specialized in buildings suited for historic rehabilitation and investment. Licensed in Delaware.

Staff Director, Subcommittee on Energy Conservation and Power, Energy and Commerce Committee, U.S. House of Representatives, Washington, DC: January 1981 - March 1985

Managed and directed Congressional subcommittee with legislative and oversight jurisdiction over nuclear power, utility regulation, energy conservation and renewable energy. Major subcommittee accomplishment was enactment of the **Nuclear Waste Policy Act of 1982**, the nation's first program for the safe disposal of nuclear waste. Responsibilities included establishing policy legislative objectives for the subcommittee chairman and committee members, hiring and supervising staff, and acting as spokesman for the subcommittee with the media and public.

Coordinator, Environmentalists for President Carter, Carter/Mondale Campaign, Washington, DC: Fall 1980

Organized environmental activists in key electoral states for the reelection of President Carter. Developed press strategy, policy statements, speakers bureau and grassroots organization for the effort.

Executive Director, Earth Day '80, Washington, DC: October 1979 - May 1980

Organized and directed the national celebration of the tenth anniversary of Earth Day and environmental accomplishments of the decade. More than 1000 communities in every state in the nation participated. Developed message and promotional material, hired and supervised staff, and acted as national spokesman.

Staff Director, Environmental and Energy Study Conference, U.S. Congress, Washington, DC: October 1976 - September 1979

Managed and directed congressional legislative research organization. During this period, the Study Conference grew from a small, unstructured organization serving 120 Members of the U.S. House of Representatives, to the largest bipartisan group of its kind, serving more than half of the members of the House and three-quarters of the U.S. Senate. Until it was disbanded as a result of House rule changes in 1995, the Study conference was widely recognized as the most timely, accurate and useful source of information available on energy and environmental legislation. Conference information appeared in published weekly reports, fact sheets, legislative summaries and briefings.

Legislative Assistant, Senator Gary Hart, U.S. Senate, Washington, DC: January 1975 - October 1976

Legislative assistant to Senator Hart in the areas of energy, environment, agriculture, transportation and labor. Major accomplishments included original legislation to mitigate energy boomtown impacts, legislation to promote the development of solar energy, and successful state effort to attract the national Solar Energy Research Institute to Colorado.

Issues Director, Hart for Senate campaign, Denver, CO: Summer, Fall 1974

Coordinated issues research for Hart's successful bid for the U.S. Senate. Responsibilities included research, speech writing, and media coordination of key campaign issues.

EDUCATION

Duke University, Durham, NC
B.A. 1974 Double Major: Political Science/Sociology

COMMUNITY ACTIVITIES

Former Board Member, Delaware Theatre Company

Former Board Member, Delaware Futures, a program to guarantee college scholarships to low-income, at-risk urban teenagers

Vice President, Friends of Aiglon College, USA Chapter

OTHER

Federal representative to the Ohio River Valley Water Sanitation Commission, 1998-99

Energy and Commerce Committee Trade Delegation to Japan and China - Staffed official visit to promote trade and improved relations between the United States, Japan and the Peoples Republic of China. 1983

United Nations Conference on New and Renewable Sources of Energy, Nairobi, Kenya - Staffed U.S. congressional delegation to the first global conference on energy. 1981

Organization of the Year Award, National Wildlife Federation - In 1979 the Environmental and Energy Study Conference was recognized for its outstanding contribution to congressional and public understanding of environmental and energy issues.

STATEMENT OF ERIC D. EBERHARD, NOMINATED BY THE PRESIDENT TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

Mr. Chairman and members of the committee, I am pleased and honored to be nominated to serve as a member of the Board of Trustees of the Morris K. Udall Foundation.

During the course of the nearly 30 years I have worked in the field of Federal Indian policy, I had the opportunity to come to know Mo Udall and to work with him and his staff on a number of issues relating to Federal Indian policy, including governance, health care, children and families, land and natural resource issues, water rights settlements and the regulation and protection of environmental quality on Indian lands. One did not have to be around Mr. Udall very long or very often before it became obvious that he was a man of uncommon vision, ability and wisdom. I am humbled by the opportunity to help others carry out even a small portion of the legacy he left our nation in the areas of Indian law and policy and the environment.

As the members of the committee know, the Udall Foundation has been charged by the Congress with numerous duties, including: awarding college scholarships, fellowships and internships to further public goals in the environmental and Indian policy arenas; conduct research and assist in policy development; and, serve as the Federal mediator in environmental disputes. Since its inception, the Foundation has awarded hundreds of scholarships to college students planning careers in environment or Native American health care; developed and implemented a successful internship program to provide opportunities for Indian and Native American students to work in the Congress and the Executive Branch; promoted new directions in environmental research and education; and, the Foundation has begun the work necessary to become an effective mediator of environmental disputes through the recently authorized U.S. Institute for Environmental Conflict Resolution.

I am hopeful that my experience working here in the Senate on the staff of the Committee on Indian Affairs and the staff of Senator McCain, along with my experience working for and representing tribal governments before the Congress, the Executive Branch and in their relationships with state and local governments will per-

mit me to bring to the Board of Trustees a perspective which is helpful as the Board guides the efforts of the Foundation to meet the mandates set forth by the Congress. I welcome the opportunity to assist the Board with the challenges the Foundation faces as it continues to build on its record of accomplishment.

I want to thank Senator Smith, the members of the committee and the staff for your prompt consideration of this nomination. I will be pleased to answer any questions you may have or to assist you in any way you deem appropriate as you conduct your deliberations.

RESPONSE BY ERIC EBERHARD TO AN ADDITIONAL QUESTION FROM SENATOR GRAHAM

Question. The position for which you are nominated relates to national environmental policy and education matters. Please share with the committee some of the major specific environmental issues/projects that you have had direct involvement within the course of your past work?

Answer. During the past 24 years I have worked on issues relating to NEPA compliance, solid and hazardous waste disposal, clean water, safe drinking water and CERCLA on behalf of tribal governments. During the 1980's I assisted in the development of amendments to the Safe Drinking Water Act, CERCLA and the Clean Water Act to authorize the Administrator of EPA to delegate regulatory authority under those acts to federally recognized tribal governments. While on the staff of the Senate Committee on Indian Affairs, I assisted in the development and enactment of the Indian Environmental General Assistance Act, the Indian Environmental Regulatory Enhancement Act and the Indian Lands Open Dump Clean Up Act. I have not been involved in environmental litigation; however, I have participated in negotiations relating to the issuance of environmental permits and the establishment of standards for remediation and mitigation associated with development activities which impact both land and water.

JOHN McCAIN
ARIZONA
CHAIRMAN, COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION
COMMITTEE ON ARMED SERVICES
COMMITTEE ON INDIAN AFFAIRS

United States Senate

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WASHINGTON, DC 20510-0303
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(602) 491-4300
2400 EAST ARIZONA
BILTMORE CIRCLE
SUITE 1150
PHOENIX, AZ 85016
(602) 952-2410
450 WEST PASEO REDONDO
SUITE 200
TUCSON, AZ 85701
(520) 670-6334
TELEPHONE FOR HEARING IMPAIRED
(202) 224-7132
(602) 952-0170

January 31, 2000

The Honorable Bob Smith
Chairman
Committee on Environment and Public Works
SD-410
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing to offer my strong support on behalf of Mr. Eric Eberhard, who has been nominated to serve on the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation. I understand that Mr. Eberhard will be appearing before the Environment and Public Works Committee for his confirmation hearing on Thursday, February 3, 2000.

Eric served as my staff director and counsel on the Senate Committee on Indian Affairs, and as legislative counsel on my personal staff. Eric was a valuable asset to me in developing and implementing my legislative agenda, particularly in his efforts to bring about meaningful reform and protection of Indian rights and resources. I have the utmost respect for Eric's integrity, professionalism and deep commitment to his work in the U.S. Senate.

Eric is hard working, dedicated, and has the proven ability to handle positions requiring leadership and responsibility. He carried out the duties of his positions on my staff with the highest moral character, and few could match the devotion he expressed in his work as a public servant. I am fully confident that he will continue to excel in his endeavors, and that he would be invaluable to the Udall Foundation in fulfilling its goals.

I consider Eric to be a good friend as well as trusted colleague. He is a man who possesses extraordinary abilities, and is eminently qualified to serve on the Udall foundation Board. Again, I am pleased to offer my recommendation on his behalf, and I respectfully request that this letter be made a part of the hearing record.

Sincerely,

John McCain

John McCain
United States Senator

THE Morris K. Udall FOUNDATION
SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY

BOARD OF TRUSTEES

Terrence L. Bracy CHAIR
Dr. Anne Udall VICE CHAIR
Gov. Bill Anoatubby
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Naomi Karp
Dr. Peter W. Likins
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Dr. Mark Schaefer
Norma Gilbert Udall

Ellen Wheeler
GENERAL COUNSEL

Christopher L. Helms
EXECUTIVE DIRECTOR

(520) 670-5529 TEL.
(520) 670-5530 FAX.

110 South Church,
Ste. 3350
Tucson, Arizona 85701

www.udall.gov

January 31, 2000

The Honorable Bob Smith, Chairman
Committee on Environment and Public Works
SD-140
Washington, D.C. 20510

Dear Mr. Chairman:

I am writing to enthusiastically support the nomination of Mr. Eric Eberhard to serve on the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation. Mr. Eberhard will be appearing before the Environment and Public Works Committee on Thursday, February 3, 2000 for his confirmation hearing.

Mr. Eberhard is an expert in many areas of concern to Native Americans, having been Staff Director of the Senate Committee on Indian Affairs. The Udall Foundation is charged with the responsibility of furthering the education of Native Americans on the college level and in graduate schools through scholarships, fellowships and internships. Mr. Eberhard's deep knowledge of matters relating to Indians would be of great help to the Foundation.

Furthermore, the Foundation is in the process of helping to create a graduate school for Native American tribal leadership, to be called the Native Nations Institute. Mr. Eberhard's advice and counsel would be invaluable in the formation of this long needed educational entity in Indian Country.

I have known Eric for a number of years. I can vouch not only for the excellent work he has performed as a public servant, but also for him as an outstanding person of high moral character.

He would be a superb addition to the Udall Foundation and I urge you to nominate him to our board.

I respectfully request that this letter be made a part of the hearing record.

Sincerely,

Terrence L. Bracy, Chair
Morris K. Udall Foundation

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to Honorable John H. Chafee, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

Name of Nominee: Eric D. Eberhard

Business Address: 1420 Fifth Avenue, Suite 3400
Seattle, WA 98101

Business Phone: (206) 903-8720

Home Address: 20121 Marine View Drive S.W.
Normandy Park, WA 98166

Home Phone: (206)824-5260

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Eberhard (Last) Eric (First) Drake (Middle)

Position to which nominated: Member of the Board of Trustees of the Morris K.Udall Foundation

Date of Nomination: November 10, 1999

Date of birth: 21/09/45 (Day) (Month) (Year) **Place of birth:** Alliance, Ohio

Marital status: single **Full name of spouse:**

Name and ages of children:

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Western Reserve Univ.	1963-'67	BA	June-1967
U of Cincinnati College of Law	1967-70	JD	June-1970
George Washington Univ. National Law Center	1970-72	LLM	June-1972

Employment record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Examiner, Interstate Commerce Commission, Washington, D.C. 1970-71

Attorney, Price & Scherr, Washington, D.C. 1971-72

Attorney, Legal Aid Society of Cincinnati, Cincinnati, OH 1972-73

Attorney, DNA-People's Legal Services, Window Rock, AZ 1973-78

Attorney, Leubben & Eberhard, Albuequerque, N.M. 1978-79

Employment record—continued

Attorney, Sole Practitioner, Albuequerque, N.M. 1979-82

Deputy Attorney General, Navajo Nation, Window Rock, AZ 1983-84

Executive Director Navajo Nation Washington Office, WA., D.C. 84-87

Of Counsel, Gover, Stetson & Williams, Washington, D.C. 1987-89

Minority Staff Director, Senate Committee on Indian Affairs,WA, D.C. 1989-90

Legislative Counsel, Office of Senator McCain, Wash. D.C. 1990-93

General Counsel, Senate Committee on Indian Affairs, Wash.D.C. 1993-95

Partner, Dorsey & Whitney LLP, Seattle, WA. 1995-Present

Honors and awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Certificate of Appreciation for Outstanding Service from:

The Navajo Nation; The United South and Eastern Tribes;

Navajo Community College; InterTribal Timber Council;

The Chief Justice of the Court of Appeals of the Navajo Nation

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
Dorsey & Whitney LLP	Managing Partner-Seattle	1995-1999
Dorsey & Whitney LLP	Member-Executive Committee	1999

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

I have 30 years of experience in the law including practice in

Qualifications—continued

federal, state and tribal courts as well as the Congress, state legislatures, local government and tribal goverment. My work has involved the representation of individuals, organizations, non-profit corporations, for profit corporations and Indian tribes on matters ranging from natural and cultural resources to health care, education, the environment, land and water rights and the role and structure of governmental agencies and entities.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

No, I do not believe it is necessary.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

Not applicable to the position.

3. Has anybody made a commitment to you for a job after you leave government?

No.

4. (a) *If you have been appointed for a fixed term, do you expect to serve the full term?*

Yes.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

Not applicable.

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Not applicable.

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

None from previous relationships.

I do anticipate receiving an undetermined amount of benefits from the Dorsey & Whitney Master Trust for Retirement at an undetermined future date.

2. Are any assets pledged?

Only for the mortgage on my residence and for motor vehicle loans.

3. Are you currently a party to any legal action?

No.

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes.

5. Has the Internal Revenue Service ever audited your Federal tax return? if so, what resulted from the audit?

No.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

Not applicable. If future circumstances should arise which suggest the need to do so, I would seek the advice and counsel of Ethics Officer for the Foundation.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

I will follow the requirements applicable to Special Governmental Employees, as set forth in the attached memorandum and will consult with the Foundation's Ethics Officer as necessary to ensure compliance.

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Not applicable.

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

I appear several times a year before Bar Associations and meetings of the leaders of federally recognized Indian tribes where I speak on current issues in federal Indian policy as they may be under consideration in the courts or Congress. These speeches often include a discussion of environmental quality issues on Indian lands.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

Additional matters—continued

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes.

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No.

AFFIDAVIT

Eric D. Eberhard) **ss**, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 18th day of November, 1999.

Diane L. Taylor
Notary Public

DIANE L. TAYLOR
NOTARY PUBLIC
COMMISSION EXPIRES 05-13-02
STATE OF WASHINGTON

TO: ERIC EBERHARD

FROM: ELLEN WHEELER
General Counsel, Morris K. Udall Foundation
Designated Agency Ethics Officer

RE: APPLICABLE CONFLICT OF INTEREST LAWS

DATE: OCTOBER 18, 1999

A member of the board of trustees of the Morris K. Udall Foundation is considered a special government employee ("SGE"). A special government employee is subject to certain conflict of interest rules, as well as financial disclosure requirements. An SGE is subject to the financial disclosure provisions of the Ethics in Government Act of 1978, as amended, and its implementing regulations, which are set forth at 5 C.F.R. Part 2634. Pursuant to this law, trustees are required to submit a Public Financial Disclosure Report (SF 278) prior to appointment. Thereafter, trustees must submit a confidential Financial Disclosure Report (SF 450) annually.

In addition, trustees (as special government employees) are governed by the criminal conflict of interest statutes, which provide that they:

a. Cannot seek, accept or agree to accept anything of value in return for being influenced in the performance or nonperformance of an official act. 18 U.S.C. § 201.

b. Cannot seek, demand or agree to accept compensation from a non-government source for any representational services related to any matter involving a specific party or parties to which the United States is a party or has a direct and substantial interest before any federal agency or other entity, provided the SGE has participated personally and substantially as a government employee. 18 U.S.C. § 203.

c. Cannot represent a non-government party, with or without compensation, before any federal agency or other entity on any particular matter in which the United States is a party or has a direct and substantial interest, provided: (i) the SGE has participated personally and substantially in a covered matter as a government employee, or (ii) if the SGE served over 60 days during the preceding year, and the particular matter is pending in the agency in which the SGE is serving. 18 U.S.C. § 205.

d. Cannot represent another person to any federal agency or other entity on any particular matter involving a specific party or parties in which the U.S. has a direct and substantial interest, provided the former SGE participated personally and substantially while serving in government in the particular matter. 18 U.S.C. § 207.

e. Cannot personally and substantially participate in any particular matter that will have a direct and predictable effect on an employee's own or imputed financial interests. This restriction also applies to the SGE or the organization with whom he or she is negotiating or has any arrangement concerning prospective employment. 18 U.S.C. § 208(b)(3).

Finally, the members of the Board of Trustees are subject to the government-wide Standards of Ethical Conduct, set forth at 5 C.F.R. 2635.

If an appointee has investments that create conflicts of interest under the authorities cited above, that appointee has 90 days after appointment in which to seek resolution of the conflicts by working with an ethics officer; resolution may involve divestiture, recusal from consideration of certain matters, or a waiver of the conflict pursuant to 18 U.S.C. § 208.

NOMINATIONS OF ELLA WONG-RUSKINKO, ARTHUR C. CAMPBELL, AND JAMES V. AIDALA

TUESDAY, JUNE 13, 2000

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 9:33 a.m. in room 406, Dirksen Senate Office Building, Hon. Bob Smith (chairman of the committee) presiding.

Present: Senators Smith, Warner, Lieberman, Chafee, Reid, Hutchison, Voinovich, and Bond.

Also present: Senators Robb and Frist, and Representatives Wamp and Thompson of Mississippi.

OPENING STATEMENT OF HON. BOB SMITH, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Senator SMITH. The hearing will come to order.

The purpose of today's hearing is to consider three nominations. The first is that of James V. Aidala, nominated to be Assistant Administrator for the EPA Office of Prevention, Pesticides and Toxic Substances.

As the chairman of the committee, I am in the process of holding a series of oversight hearings to examine the EPA's budget, prioritization of resources, and overall performance, and my colleagues and I will have a number of questions, Mr. Aidala, I think, in that area on EPA-related concerns.

The second nomination is that of Arthur C. Campbell, nominated to serve as Assistant Secretary for Economic Development for the Department of Commerce.

The third nomination is that of Ella Wong-Rusinko, nominated to be Alternate Federal Co-Chair of the Appalachian Regional Commission.

I am pleased to report that Mr. Aidala, Mr. Campbell, and Ms. Wong-Rusinko are well-qualified for their positions, and I welcome them today, and also welcome my colleagues, Senator Lieberman and Senator Roberts, who I think will be here, and Senator Warner and Congressman Thompson, who will also be introducing witnesses.

[The prepared statement of Senator Smith follows:]

STATEMENT OF HON. BOB SMITH, U.S. SENATOR FROM THE STATE OF NEW HAMPSHIRE

Good morning. The purpose of today's hearing is to consider three nominations. The first nomination is that of James V. Aidala nominated to be Assistant Administrator for the EPA Office of Prevention, Pesticides, and Toxic Substances.

My colleagues and I have a number of questions for Mr. Aidala today on EPA-related concerns that I hope he will be able to answer for us.

The second nomination is that of Arthur C. Campbell nominated to serve as Assistant Secretary for Economic Development for the Department of Commerce.

The third nomination is that of Ella Wong-Rusinko nominated to be Alternate Federal Co-Chair of the Appalachian Regional Commission.

I am pleased to report that Mr. Aidala, Mr. Campbell and Ms. Wong-Rusinko are well qualified for their positions.

I welcome them today and I also welcome my colleagues, Senator Lieberman and Senator Roberts who are here today to introduce Mr. Aidala; Senator Frist and Congressman Bennie Thompson will be introducing Mr. Campbell and Senator Warner will be introducing Ms. Wong-Rusinko.

The President has nominated James V. Aidala to serve as Assistant Administrator for the EPA Office of Prevention, Pesticides, and Toxic Substances. The Assistant Administrator for the EPA Office of Toxic Substances serves as the principal advisor to the Administrator in matters pertaining to pollution prevention, pesticides, and toxic substances.

Mr. Aidala has been serving as Associate Assistant Administrator for the Office of Toxic Substances since 1993. He also has worked as a professional staff member of the U.S. House of Representatives Subcommittee on Environment, Energy, and Natural Resources and as the Director of Policy Development at the Wallace Institute for Alternative Agriculture. Before joining the Institute, Mr. Aidala was a Specialist in Environmental Policy for the U.S. Library of Congress. He received a received his B.A. and M.A. in Sociology from Brown University. He is accompanied today by his wife, Abby; son, Sam; and sisters, Linda and Angela.

The President has nominated Arthur C. Campbell to be Assistant Secretary for Economic Development for the Department of Commerce. The Assistant Secretary for Economic Development serves as the principal advisor to the Secretary of Commerce on matters concerning domestic economic development activities, and as the head of the Economic Development Administration.

Currently, Mr. Campbell is the Deputy Under Secretary for Rural Development at the United States Department of Agriculture. Prior to serving the Administration, Mr. Campbell was a County Commissioner in Hamilton County, Tennessee and the Chief Executive Officer of ACC Development, where he established and operated a planning, consulting and development business specializing in community revitalization.

Mr. Campbell received a B.S. from Tuskagee Institute and a Master's of City Planning from the Georgia Institute of Technology. He is accompanied today by his daughter, Nedra.

The President has nominated Ella Wong-Rusinko to serve as Alternate Federal Co-Chair of the Appalachian Regional Commission. The Appalachian Regional Commission was established in 1965 to support the economic and social development of the 13 states with counties that fall within the Appalachian region. The Commission is composed of governors from each of the 13 states and a presidential appointee representing the Federal Government.

Ms. Wong-Rusinko has been serving as Deputy Assistant Secretary for Congressional Liaison, Program Research and Evaluation in the Economic Development Administration at the U.S. Department of Commerce since late 1993. Previously, Ms. Wong-Rusinko has served as Executive Assistant to Congressman Gene Green, Chief of Staff to Congressman Albert Bustamente, and Legislative Liaison Assistant in the Immigration and Naturalization Service of the Department of Justice. She received her B.A. from Incarnate Word College in San Antonio, Texas. Ms. Wong-Rusinko is accompanied by her husband, Paul; sons, Christopher and David; and her sister-in-law, Shirley and her family.

Now we will hear the statements of other committee members. Then Senators Lieberman and Roberts will introduce Mr. Aidala; Senator Frist and Congressman Thompson will introduce Mr. Campbell; and Senator Warner will introduce Ms. Wong-Rusinko. Then we will hear testimony from our nominees.

Senator SMITH. So let me start with you, Senator Warner.

OPENING STATEMENT OF HON. JOHN W. WARNER, U.S. SENATOR FROM THE COMMONWEALTH OF VIRGINIA

Senator WARNER. I thank you, Mr. Chairman, very much.

Senator SMITH. Wait a minute. Senator Warner, I apologize one second. I want to recognize my colleague from Kansas.

Senator ROBERTS. I appreciate that very much. I underscore everything you said.

[Laughter.]

Senator SMITH. Easy man to deal with.

Senator WARNER. Well, he's a good man to deal with.

Senator SMITH. He is.

Senator WARNER. You can go to the bank on his word.

Mr. Chairman, this is a particularly enjoyable moment for all of us gathered here today. These nominees have served well and are deserving, hopefully, of confirmation. I anticipate speedy reporting out and confirmation by the Senate. But this marvelous person on my left here has just told me modestly she has 30 years of Federal service.

Is that correct?

Ms. WONG-RUSINKO. Just about.

Senator WARNER. Just about 30 years of Federal service, and this is but another step along that long highway of service to the public. So, Mr. Chairman, Senator Reid, Senator Frist, Representative Thompson, it is my pleasure to introduce to the committee this outstanding American as the Alternate Federal Co-Chair of the Appalachian Regional Commission.

I also want to welcome the family here.

Would you introduce your family to the chairman and members of the committee?

Ms. WONG-RUSINKO. Yes. Thank you, Senator.

My husband, Paul Rusinko; my son, Christopher Paul; and my other son, David Elliott.

Senator SMITH. Welcome. Got ties and everything you guys. Looking good.

[Laughter.]

Senator WARNER. You look good.

I understand that Senator Kay Bailey Hutchison from Texas will add her comments to the committee later today.

Now, during my tenure as chairman of the Transportation and Infrastructure Subcommittee, I had the privilege of working directly with Ms. Rusinko when we crafted the reauthorization for the Economic Development Administration. This 1998 reauthorization, the first in 15 years—that's remarkable, isn't it—implemented significant reforms in EDA procedures and programs.

The nominee was directly involved in the development of this legislation. She was responsive to the committee and effective in advocating the Administration's efforts to streamline the Agency.

I want to underline, because I have specific recollections, Mr. Chairman and members of the committee, she was not only involved, she was very responsive. Each time we made an inquiry into the preparation of this, she came forward promptly.

I believe her years of experience at EDA will serve her well as the Alternate Federal Co-Chair of the ARC. EDA's mission of providing economic development opportunities so that these commu-

nities can transition to long-term employment and growth are multiplied in the Appalachian region.

The challenges facing most of the Appalachian region today are significant. It remains a region with high unemployment, dependent on a limited industrial base, and I know it well. I travel it with great frequency, Mr. Chairman. It is not only in my State, West Virginia, it is that whole corridor that goes down.

I know that the candidate's experience in working with State and local governments will serve her well with the ARC. Her talents and knowledge in the field of economic development are well suited to the demands of the Appalachian Regional Commission and the needs to diversify the economy in that region.

I wish you well.

Ms. WONG-RUSINKO. Thank you, Senator.

Senator WARNER. As a citizen of this country, I thank you for your long public service, and I have every reason to believe that this is another chapter.

Ms. WONG-RUSINKO. I thank you, sir.

Senator WARNER. I thank the Chair and members of the committee.

You're on your own, my dear friend.

Ms. WONG-RUSINKO. Thank you, Senator, very much.

Senator SMITH. Thank you very much.

I might just ask your sons, for the record, are you boys proud of your mother?

Messrs. Rusinko. Yes.

Senator SMITH. Good.

Senator Frist and Congressman Thompson and Congressman Wamp all wish to say a few words regarding Mr. Campbell, so, because we are in the Senate, I'll start first with Senator Frist.

STATEMENT OF HON. BILL FRIST, U.S. SENATOR FROM THE STATE OF TENNESSEE

Senator FRIST. Thank you, Mr. Chairman. I will be brief.

I, too, would like to recognize Mr. Art Campbell's family who is with him today, his daughter Nedra—Nedra, would you please stand up, as well.

Welcome. Again, that comment on being proud, I know you feel a great deal of that today about your father, as well. Thank you.

It is with great pleasure that I do introduce a fellow Tennessean today, Mr. Arthur Campbell, to be Assistant Secretary of Commerce for Economic Development with the Department of Commerce.

Listing all of his qualifications for this position simply would take more time than I have been allocated this morning, but I am certain that my fellow members, colleagues on this committee, are familiar with his credentials.

Over his long and truly distinguished career in public service, he has demonstrated tremendous leadership in establishing community-based revitalization programs in rural settings and urban settings. His current position with the Department of Agriculture as the Deputy Under Secretary for Rural Development allows him to oversee—very effectively, I might add—over 6,500 people in rural

utility service, in rural housing service, and the rural business cooperative development service.

He has been a key figure in this country—and I should also add in our State—in promoting sustainable rural development, and will be missed as he leaves the Department of Agriculture and moves to the Department of Commerce.

He has been very involved in the community. Whether he has been working on the Tennessee Aquarium Plaza Committee, which spurred a revival in downtown Chattanooga, to his guidance in the State Rural Development Council, the commitment of Art Campbell has been demonstrative of a commitment to public service and leadership that is of the highest, highest caliber.

It was almost a half a century ago that Harry Truman said, "Progress occurs when courageous, skillful leaders seize the opportunity to change things for the better." How well, I think, and how aptly those words apply to Art Campbell.

It is with a great deal of pride that I introduce Mr. Art Campbell to this committee.

Senator SMITH. Thank you very much, Senator Frist.

I'm going to go slightly out of order to accommodate Senator Lieberman, who has another engagement, and then I'll come right back to the two Congressmen.

Senator Lieberman?

OPENING STATEMENT OF HON. JOSEPH I. LIEBERMAN, U.S. SENATOR FROM THE STATE OF CONNECTICUT

Senator LIEBERMAN. Thanks, Mr. Chairman, for your courtesy, and I thank my colleagues from the House. I welcome you and promise to be brief.

I wanted to stop by, notwithstanding another commitment, to welcome all the nominees and wish them well and say a particular word on behalf of Jim Aidala, whom I've known for many years and who was of really great assistance to me and to my staff and many other staffs here on the Hill when he was at the Congressional Research Service. He provided superb counsel to us in reviewing environmental issues, particularly pesticide issues, in preparation for testimony and hearings. I was continually struck by his thoughtful, even-handed, and fair-minded advice.

Since the Congressional Research Service, Jim has gained additional experience with regulating toxic substances from the perspective—the refreshing perspective, I might say—of the U.S. House of Representatives Committee on Government Operations, where he worked from 1991 to 1993, and from the perspective of Associate Assistant Administrator of the Office of Prevention, Pesticides, and Toxic Substances, a position he has held since 1993.

He is truly an excellent candidate for the position for which he has been nominated. I recommend him without reservation.

Mr. Chairman, this is a serious subject. So much of what we do here is serious, but Jim Aidala has been elevated additionally, beyond what I've said, by an extraordinary sense of humor, and I hope that I don't put his nomination in jeopardy if I reveal that he has been over the years a very active contributor to the group called the "Capitol Steps."

[Laughter.]

Senator LIEBERMAN. I think he has exceeded Senator Roberts in his work with that—oh, no, that was somebody else.

[Laughter.]

Senator ROBERTS. Well, I fell down the steps, and then he'd pick me up.

Senator LIEBERMAN. I see. I knew you would rise to the occasion.

Finally, I note that Jim is accompanied by his wife, Abby; his son, Samuel; and the more quiet sisters, Angela and Linda.

Thanks, The CHAIRMAN. Good luck, Jim.

Senator ROBERTS. You made the baby cry. I hope you're happy.

[Laughter.]

Senator SMITH. Senator Roberts, I didn't see you earlier. We welcome the Senator from the State of Kansas.

STATEMENT OF HON. PAT ROBERTS,
U.S. SENATOR FROM THE STATE OF KANSAS

Senator ROBERTS. I'm sort of a stealth Senator, Mr. Chairman, but I follow Senator Lieberman everywhere he goes in admiration and respect. I'm not as busy as he is, but I just appreciate the chance to offer these words on behalf of Jim under the banner of consistency.

To show Jim's sense of humor, prior to Samuel and his wife, Abby, making an exit, he put down here, when he wrote their names for me, as he did for Senator Lieberman, "They sound like a grower group wanting an emergency exemption."

[Laughter.]

Senator ROBERTS. Which is pretty humorous to those who have worked on pesticide issues, and everybody else wonders what the heck I'm talking about.

Thank you, Mr. Chairman, for the opportunity to be here this morning on behalf of Jim. I met him over 15 years ago, when he was the Congressional Research Service top gun in regards to working on pesticide issues. I think he is an excellent choice to be an Assistant Administrator at the EPA.

Mr. Chairman, I have worked on pesticide issues. I have been sentenced to work on pesticide issues for over 30 years, and I understand how important a fair pesticide policy is to the Nation's agriculture community and the Nation's industry and consumers, and also the environmental community.

Our farmers want many choices in their pest control toolbox, if I could put it that way, and they want them to be available at a very low cost. In my days on the sometimes powerful House Agriculture Committee, when we were considering various policy proposals, we always called Mr. Aidala for advice. He played a valuable role in the pesticide debates, and they were really debates in 1986. Was that FIFRA Light, Jim? I think it was FIFRA light.

Mr. AIDALA. That was Berkeley Bedell if it was 1986.

Senator ROBERTS. Yes, that was Berkeley Bedell from Iowa, and 1988, and most recently in 1996.

He was much more than just a technical advisor. He knows the laws. He knows the way our Congress works and how to form important coalitions and then to find solutions for some very difficult challenges and problems.

If you look back, Mr. Chairman, many of the compromises he helped forge have withstood the test of time. This is an area that is always fraught with strong emotions, strong feelings, and strong differences of opinion, but his imprint I think continues to shape the way we regulate pesticides and chemicals today on behalf of safety and on behalf of the agricultural community.

Why is Jim the best choice for this job at EPA? First, because he is the Nation's expert on pesticide and chemical issues. Second, there is no one who has the years of experience and insight that he does. Third, because he is honest and level-headed and fair. He knows how to balance the competing interests—and there are many—and make fair and rational decisions. He has established relationships on both sides of the aisle and knows how to tackle the very difficult problems. And finally because, frankly, Jim is not afraid to tell it like it is, whether it is to his boss at EPA or to the agricultural community or to the environmental community or to industry or to a Senator from Kansas. Sometimes a little disagreement is healthy to the debate, and he does have that rare commodity here which is so sorely needed, and that's a sense of humor.

So, Mr. Chairman, I thank you for your attention, the opportunity and the privilege to speak on behalf of Jim, and I look forward to a very swift confirmation process, and I thank you again for the opportunity.

Senator SMITH. Thank you very much, Senator Roberts, for being here. We're glad to have you.

Senator SMITH. Senator Hutchison?

STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM THE STATE OF TEXAS

Senator HUTCHISON. Thank you, Mr. Chairman.

I know that Senator Warner has already introduced Ms. Wong-Rusinko, but I just wanted to add my support for her. She is a native of Texas, although she has lived in Virginia for the last 15 years, but the reason I am here is because I have worked with her and my staff has worked with her in her position at the Economic Development Administration, and she has gone the extra mile for us in so many ways that I just wanted to go the extra mile for her today.

She brings exactly what this Commission needs to the table, and that is she has taken on many of the areas of Texas, particularly our border area, where we have needed strength in cleaning up filthy conditions of living, and she has brought economic development assistance and creativity and infrastructure improvements to those areas.

Also, when we have experienced particular areas in my State where there have been economic upheavals, she has come in with creativity and innovation.

I think this is something that would do so well for the Appalachian region of our country. This is an area that could use creativity to improve the living conditions and the economic development.

I just wanted to come and say that I support her. Even though she is not a Texan any more, it is always in our hearts. And I think that she would do for the Appalachian region what she has done for people all over this country in the Economic Development Ad-

ministration, so I support her and I hope that the committee will, as well.

Thank you.

Senator SMITH. Thank you very much, Senator Hutchison.

Senator SMITH. Congressman Bennie Thompson of Mississippi, I know you wanted to say some things about Mr. Campbell.

Welcome. We are glad to have you here this morning.

STATEMENT OF HON. BENNIE G. THOMPSON, U.S. REPRESENTATIVE FROM THE STATE OF MISSISSIPPI

Mr. THOMPSON. Thank you very much, Senator.

It is not often we get a chance to introduce someone we know a lot about. I've known Arthur Campbell for more than 25 years. I was a mayor of a small Mississippi municipality, and Art Campbell, in another life, walked in and said, "I'm here to help you." That sort of signifies the career of Arthur Campbell in public service. He has always been there to help.

I'm happy to see Nedra again. I haven't seen her since she was in diapers.

[Laughter.]

Mr. THOMPSON. That says time marches on.

Arthur was the kind of person who brought to Mississippi, specifically, the knowledge and know-how and ability to communicate with everyone on issues around rural development. He established some of the first nonprofit community development corporations in our State that now provide adequate housing for over 3,000 families.

I'm happy to support him also because I've learned a lot from Arthur—patience, tolerance, and a lot of things politicians tend sometimes to be remiss, but Arthur has been that direction for me. He's a good family man. He has sacrificed a lot for this country and to his family because of his pursuits.

But, again, he is someone that I know, and I am happy to support him in his new position. I'm always challenged by him always pursuing higher and loftier goals.

I have no doubt that he will do a good job in this new position. He will represent this country well, and we can all be proud of him, so I'm happy to add my voice to the chorus of voices in support of Arthur Campbell's nomination.

Senator SMITH. Thank you very much, Congressman Thompson.

Congressman Zach Wamp of Tennessee, welcome.

STATEMENT OF HON. ZACH WAMP, U.S. REPRESENTATIVE FROM THE STATE OF TENNESSEE

Mr. WAMP. Well, thank you, Mr. Chairman. I want to thank you and the committee for holding this hearing.

As I began several months ago to discuss this possible day with Art Campbell, we were concerned somewhat that the longer it went in a critical election year like this, maybe it might not happen, and so I'm just grateful that it is happening and that, even as we approach, obviously, some division politically this year, that we can still move forward on things like this where we hope we can meet at the water's edge.

I assume Art is a democrat and that he is being nominated by the President, but I never knew Art as a democrat or as a republican, which I am. I've known Art for, I guess, about 15 years. When I was in the real estate business back in Chattanooga and he was in community development and economic development, I knew him then, and I knew Art when he served on the County Commission in Chattanooga, and so for years we've known each other before they attached the word "honorable" to each of our names in elected office. We knew each other pretty well, and I've known Art and seen Art up close and personal, but I never thought of him as a democrat. I thought of him as somebody that was serving our community and not jaded in any way by partisanship, because he really doesn't come across as a partisan. He just works for the people, and he's done a very good job.

I would believe that, while the rural development history that he had that Bennie talked so well about was very helpful in his distinguished 5-year career over at the Department of Agriculture, I want to say that in this new position, if you men and woman are, I think, courteous enough to confirm him, that he will be very well-suited there, too, because in Chattanooga our success in the last 15 years is enormous, incredible, the turn-around in that city, and it is in no small way because of Art Campbell. Art Campbell has had a great role in the establishment of public-private partnerships in Chattanooga that led to our downtown redevelopment efforts, which catapulted him to the County Commission, where he was allowed to serve in elected leadership, and then 5 years ago coming to Washington, frankly, quietly, just doing the job, getting the work done, coming up here, and establishing an excellent reputation here, as well.

He is a quiet man and would not tout his accomplishments, but I want to say that they are very significant, and I come in strong, full support of his confirmation, and it is really a privilege for me to come, I guess as his Congressman. He has been a Chattanoogan for 19 years, and I hope that when people come serve in Washington they don't have to necessarily be residents of Washington, D.C., so I hope I'm still your Congressman, Art, even though we want to give you to this position for quite some time and loan you to the Federal Government for continued service.

Congratulations on the work that you've done.

I hope, Mr. Chairman, that the committee will look favorably on his confirmation.

Senator SMITH. Thank you very much, Congressman. We appreciate your being here today.

Let me say welcome to the witnesses. You had a lot of support here from the House and the Senate, which is a tribute to all of you—bipartisan support, I might add.

Ms. Wong-Rusinko, let me just, since I didn't take the time to do it before, just give a brief introduction of you to the Senate, because I wanted to accommodate other Senators' statements.

You are being nominated to serve as the Alternate Federal Co-Chair of the Appalachian Regional Commission, which was established in 1965 to support the economic and social development of the 13 States with counties that fall within that region.

The Commission is composed of Governors from each of the 13 States and a Presidential appointee representing the Federal Government.

You have been serving as a Deputy Assistant Secretary for Congressional Affairs, Program Research, and Evaluation in the Economic Development Administration at the Department of Commerce since 1993. Previously, you have served as executive assistant to Congressman Gene Green, chief of staff to Congressman Albert Bustamente, and legislative liaison assistant in the Immigration and Naturalization Service of the Department of Justice.

I understand you received your B.A. from the Incarnate Word College in San Antonio, Texas, thus the connection with Senator Hutchison.

Ms. Wong-Rusinko is accompanied by her husband, who has already been introduced, Paul, and sons Christopher and David, and sister-in-law Shirley and her family. Welcome to all of you.

I'll start with you, Ms. Rusinko. You have an opening statement which will be made part of the formal record, and please feel free to summarize that in 2 to 3 minutes. We'd appreciate it.

STATEMENT OF ELLA WONG-RUSINKO, NOMINATED BY THE PRESIDENT TO BE ALTERNATE FEDERAL CO-CHAIR OF THE APPALACHIAN REGIONAL COMMISSION

Ms. WONG-RUSINKO. Thank you, Mr. Chairman.

Distinguished members of the committee and committee staff, I am honored to be afforded the opportunity to appear before you today as President Clinton's nominee to the position of Alternate Federal Co-Chair of the Appalachian Regional Commission. I thank the President for this nomination and for the professional opportunity of serving for 7 years as an appointee at the U.S. Department of Commerce.

Mr. Chairman, I am grateful for this hearing and for the many courtesies which committee members and staff have extended to me in my current Federal position. I am grateful for the bipartisan collaboration that produced Public Law 105–393, the Economic Development Administration Reform Act of 1998, historic reauthorization legislation accomplished by this committee and the leadership of Senators Max Baucus and Olympia Snowe, original legislation cosponsors.

Dr. Jesse White, Federal Co-Chairman of the ARC, is with us at this hearing. I thank you, Dr. White, for your support of my nomination and for your outstanding leadership. I look forward to having the opportunity to work with you and the ARC staff on behalf of the Appalachian region.

I am here today because of the very special support of my family and friends. I thank the many EDA and ARC professionals who serve loyally and faithfully to make a difference in the Nation's distressed communities. I am grateful to my professional colleagues with national organizations for their collaboration on economic development.

Mr. Chairman, I would like to share my mother's vision with the committee and how that vision became a reality. It was this unique effort that has guided my commitment to public service and the creation of opportunities.

We lovingly called her Mama. Her vision was to pave a road of opportunity for her four children with a foundation made up of love of God, love of family, love of country, and respect and understanding for your fellow man. Had she lived, she would have celebrated her 77th birthday 5 days ago.

Mama had a plan for the children's future—a thoughtful and flexible master plan developed through an exceptional partnership with Dad. The plan was updated periodically to account for changing priorities or a better way. For the plan to work, our parents realized that the children would need a "nudge."

Mom and Dad were raised in rural areas of Mexico and China. As legal immigrants to the United States, they faced many challenges, such as learning another language and earning a living. Securing credit or a loan in the 1940's to start a business was an enormous challenge. Thankfully, today it is easier because of the availability of State and Federal programs.

My parents worked hard, but they saved and invested wisely. Their goal was to give their children a good education. To achieve that goal, they started out with a small business and diversified, ultimately finding their niche in a grocery store. For them, the businesses were the vehicles they would use to pave roads of opportunity for the family.

How did my parents succeed? First, they secured technical help and developed and implemented a business plan that included goals and objectives. Each business investment required an outside financial partner and required concrete outcomes. Outcomes provided my parents with a sense of pride and the incentive to continue with their plan. Full implementation of the plan culminated in the transition of a helpless, dependent child into a responsible adult.

The availability of public infrastructure, the Federal Government role, and the private sector investment, together with my parents' commitment and initiative, yielded a formula for business and personal success.

My parents' success is applicable to economic development. I believe effective economic development begins with thoughtful planning that generates partnerships. I maintain that the strength of the country in a world economy is derived from the ability of our communities to compete in a communications-oriented environment. The recent and remarkable expansion of the United States' economy presents us with a unique opportunity—to make a real economic impact faster by strategically focusing and targeting resources on the distressed areas of the country.

America is rich in new, untapped markets. Federal, State, and local programs are making a genuine difference. Federal efforts such as those at the ARC and the EDA are realizing economic opportunities in the Nation's distressed communities.

I believe the Federal role in economic development is to provide the nudge that creates partnerships, helps build consensus for implementation of state-of-the-art practices, and produces long-term, sustainable results. On a project-by-project basis, the Federal Government should be a partner to deliver resources to fill the critical gap and then withdraw and allow the private sector to develop the project.

American communities with good jobs, access to education, and technology are proficient at competing on a world market economy, but what about communities or regions that lack the good jobs and access to education and technology?

A November, 1999, Department of Commerce report, "Falling through the Net," concludes, "It is reasonable to expect that many people are going to lag behind. Education and income appear to be among the leading elements driving the digital divide. This reality merits a thoughtful response by policy-makers consistent with the needs of Americans in the information age."

The Department's report raises several questions about the Federal role in economic development, especially in distressed areas like the Appalachian region. The questions require answers, and I hope to be involved in answering some of those questions as we craft policies and approaches that will continue to effectively transition the Appalachian region out of its historic economic distress.

I believe economic development is about creating opportunities and a fair chance for people. President Abraham Lincoln said it best. On July 4th, 1861, in a message to Congress he stated, "This is essentially a people's contest. It is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the constitution of men, to lift artificial weights from all shoulders, to clear the paths of laudable pursuit for all, to afford all an unfettered start and a fair chance in the race for life."

Mr. Chairman, in closing I reiterate my appreciation to the committee for this opportunity and fair chance.

To my family and friends, I thank you from the heart.

To my professional colleagues, I look forward to the opportunity of working with you in a new capacity.

Thank you.

Senator SMITH. Thank you very much, Ms. Wong-Rusinko. It is nice to have you here.

Mr. Campbell, you are nominated to be Assistant Secretary for Economic Development for the Department of Commerce. The Assistant Secretary for this position serves as the principal advisor to the Secretary of Commerce on matters concerning domestic economic development activities and as the head of the Economic Development Administration.

Currently Mr. Campbell is the Deputy Under Secretary for Rural Development at the United States Department of Agriculture, and prior to serving the Administration Mr. Campbell was a county commissioner in Hamilton County, Tennessee, and the chief executive officer of ACC Development, where he established and operated a planning, consulting, and development business specializing in community revitalization.

Mr. Campbell received a bachelor of science degree from Tuskegee Institute and a masters of city planning from the Georgia Institute of Technology. He is accompanied here this morning by his daughter, Nedra. Welcome to you, as well. And Mr. Campbell, welcome.

Your statement will be made part of the record. Feel free to summarize it any way you wish.

STATEMENT OF ARTHUR C. CAMPBELL, NOMINATED BY THE PRESIDENT TO BE ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT, DEPARTMENT OF COMMERCE

Mr. CAMPBELL. Senator Smith, thank you very much. Senator Reid, ladies and gentlemen, the absent members of the committee, I come here today aspiring to assume the stewardship of the Economic Development Administration, whose mission is assisting development of economically distressed areas of this country, both urban and rural.

I am fortunate to arrive here now, after the historic 1998 5-year reauthorization of EDA, a timeframe that I think allows a realistic approach to the work that EDA has been assigned.

I anticipate my duties with a certain sobering respect for EDA's mission and the challenges that it faces in fulfilling that mission. I also have a deep appreciation for EDA's 35-year history of improving the economic conditions of areas that have not thrived as well as the rest of America.

Although it is a relatively small agency, EDA's impact is magnified by the congressionally granted flexibility to administer its programs in a way that is both responsive and sensitive to the realities of working with a wide range of local conditions throughout the country.

I think this flexibility allows an engagement of local leadership in a shared, interactive, and more cost-effective approach to economic development planning and implementation.

I'm a product of both the old south and the new south—the old south of racial segregation, of "cotton is king," of widespread abject poverty, of disenfranchisement of blacks, and a new south of progress and optimism, of revitalization and renewal, of commitment to redress historical mistakes.

These two opposing environments have shaped and influenced me and have convinced me of a need for reconciliation in human affairs and a need to improve the fundamentals in economic affairs.

Neither I nor my cohorts would have dreamed of this occasion unfolding in this chamber that a black boy from rural Alabama, a student in the 1960's—could grow to manhood and be nominated by the President of the United States to head an important agency of our Government.

What those of my generation would never have imagined my children's generation now expects, so I am thankful today that the great arc of American democracy is forever bending toward justice and that our collective actions have helped to change the expectations of a generation.

I am also thankful for this appointment by President Clinton, whom I first met when he was a young, 31-year-old Attorney General aspiring to be Governor of Arkansas. The occasion for that meeting, to my amazement, was his offer to help redress certain roadblocks to my efforts to develop the economy of the predominantly black town of Madison, Arkansas. Mr. Clinton's interest in distressed areas has abided these many years.

I would not be here today were it not for the supportive actions of families, countless colleagues, and friends. Mr. Chairman, I'm convinced that heaven is brighter this morning because of the smiles of my deceased parents, Johnnie Mae Burks Campbell and

Patrick Henry Campbell, as they witness these proceedings. And I have been sustained by the unconditional love of my wife of 33 years, Gwyndolyn McZeek Campbell, who is this morning absent in body but present in spirit.

As Gwyndolyn and I have nurtured our three children, Erika and Nedra and Nicholas, to adulthood, we have, in turn, been nurtured by the character of their unfolding lives, their level-headedness, and their educational attainment—two attorneys. Well, some might quibble with whether educational attainment would apply to attorneys—and one accountant. Nedra put aside her lawyer's daily quest for billable hours to come here today from Detroit.

[Laughter.]

Mr. CAMPBELL. The great narrative story of America, I think, in a basic way, is about people and places and how both serve to create opportunity and freedom and realization of hopes and dreams. It is about families and how they create rewarding personal lives, and hospitable and nurturing communities in which we live.

I view EDA as not just a repository of yet another set of Government programs, but as an instrument in which to create a more-perfect union, by promoting the general welfare of sectors and areas of this country which have not prospered economically. Restoring in some places, expanding in others, opportunity for a gainful life is the high calling of the EDA.

I believe government exists to help fulfill the ideals premised by our Constitution. Government's role is to help people help themselves, to help communities afford its citizens opportunity to decent housing, to earn a living, to educate their children and obtain affordable health care.

EDA's legislative mandate is to help people in places experiencing substantial and persistent unemployment in the most economically distressed areas. It has steadfastly implemented this mission for some 35 years, and I believe that the legislative mandates and the expressed intents of the Congress must continue to guide the agency's work.

We must be innovative in conducting EDA's business, yet prudent and responsible in fiscal matters. I don't believe one negates the other.

EDA and government, generally, should facilitate, I think, public/private partnerships which produce locally led economic development strategies. The experience of the empowerment zone enterprise community program demonstrates that communities that incorporate specific, measurable benchmarks in their strategic plans produce a believable vision of that future and are more successful in the implementation of their plans.

I don't think economic development is just about the issue of money. I think it involves greater collaboration among Federal agencies, to help provide more efficient and cost-effective assistance to local communities.

Similarly, I think more sub-state regional collaboration on economic development planning is needed to produce planning of economic ventures, which might obtain more scale and greater benefits to the participating communities.

I think it is important for us to build incubators, important for us to build industrial parks, but I also think we must provide the

environment for entrepreneurship to take place. I do not believe that if they build it they will necessarily come. I think education is the cornerstone of economic development, and I think people must be and can be viewed as assets. They can be viewed as assets or liabilities, but I think they must be viewed as assets. Sustaining economic growth depends on creating a well-educated population and the opportunities for them to be productive.

Therefore, I think it is important for us to link education to economic development. I think too often the term "economic development" is interpreted as doing things to solely create jobs. Economic development, I think, is building institutional and leadership capacity to create economic opportunity over time.

I do not believe that job creation, alone, is economic development. It would take sound investments to follow sound planning by a broad-based cross-section of the local public and private sectors and not just follow the economic development vision of outside consultants.

Strategic planning draws upon the ingenuity and vision of local people from the public and private sectors. These are necessary preconditions of successful economic development.

I also think a concerted effort should be made to improve economic opportunity in areas experiencing persistent poverty. Persistent poverty is a major obstacle to equitable economic development. Poverty exists in many urban centers, but it is often more severe in distressed rural areas. Some 540 predominantly rural counties have poverty rates of 20 percent or higher, and approximately 200 of these have poverty rates of 30 percent or higher.

Some of the economists argue that restoring broadly shared prosperity is the No. 1 challenge that we face. Former Secretary Ray Marshall says that, if you were to plot the population distribution on a graph by income, that now it would resemble more of an hourglass, where it used to resemble more of a diamond shape, with a larger middle, a smaller top, and a smaller bottom.

But we have in this country, in America today, a combination of a powerful and peaceful military, a democratic and stable government, and a strong and vigorous economy; yet, in the midst of this plenty we have people in places that have been left out and left behind.

I believe that a challenge facing EDA and the country at large is to act in ways that produce more equal and equitable economic outcomes. Economic equity is a public good. I think society is more stable and strong in the way people are able to fulfill their basic human aspirations.

My hope is that EDA's value will not just be in a project that it funds or the planning that it does, but that the projects and planning are done in a way that expands the vision and hope of people of distressed areas and communities. My hope is that agency investments will be driven by local vision and local control, local ingenuity, and imagination. I'm convinced that when we engender hope, enable those who hope to act on their dreams, we produce a much more precious commodity than any governmental program.

Finally, I think what made us strong as a Nation was a spirit of cooperation and civic participation of communal togetherness, of a widespread commitment to create the common good, and a strong

belief that we could achieve it. This spirit I think must be brought to the economic development process.

So I would lead this agency guided by a firm conviction that all people possess a certain genius. I would act to unleash the creativity of the agency's employees and engender the imagination of its customers.

Mr. Chairman, I appreciate this opportunity to come before this committee and speak a little bit about my views about economic development.

Thank you.

Senator REID. Mr. Chairman?

Senator SMITH. Senator Reid?

OPENING STATEMENT OF HON. HARRY REID, U.S. SENATOR FROM THE STATE OF NEVADA

Senator REID. There's a unanimous consent order in effect that I offer the first amendment at 10:30 in the Defense Appropriation bill, so I'm going to ask your permission to be excused.

I've enjoyed very much this hearing today. I've read all the background material. I had no knowledge of Ms. Rusinko or Mr. Campbell prior to today's hearing. Of course, Mr. Aidala and we have had a number of meetings in the past and I know more about him. From what I've learned here today, the country is well served with these three nominations, and I apologize for having to leave early.

Senator SMITH. Thank you, Senator Reid.

Mr. Campbell, I might say I used to once in a while be guilty of making a derogatory remark or two about a lawyer, but then my daughter married one so I'm in trouble and I can't do it any more.

[Laughter.]

Senator SMITH. Mr. Aidala, it is nice to have you here this morning. You are nominated, of course, to be the Assistant Administrator for the EPA Office of Prevention, Pesticides and Toxic Substances. This position serves as a principal advisor to the Administrator in matters pertaining to pollution prevention, pesticides, toxic substances.

Senator Roberts gave you quite an introduction there in your expertise in that area.

Mr. Aidala has been serving as Associate Assistant Administrator for the Office of Prevention, Pesticides, and Toxic Substances since 1993. He also has worked as a professional staff member of the U.S. House of Representatives Subcommittee on Environment, Energy, and Natural Resources and as the director of policy development at the Wallace Institute for Alternative Agriculture.

Before joining the Institute, Mr. Aidala was a specialist in environmental policy, U.S. Library of Congress, and received his B.A. and M.A. in sociology from Brown University.

He is accompanied today by his wife, Abby, and son, Sam, who is now very quiet, and sisters, I think, Linda and Angela are here, as well.

Welcome to all of you.

Mr. Aidala, the floor is yours. As I indicated to the others, your statement is made a part of the record. Please feel free to summarize it.

STATEMENT OF JAMES V. AIDALA, NOMINATED BY THE PRESIDENT TO BE ASSISTANT ADMINISTRATOR FOR THE OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES, ENVIRONMENTAL PROTECTION AGENCY

Mr. AIDALA. Thank you, Mr. Chairman. Good morning to you, Mr. Chairman, and to members of the committee.

I'd also like to especially thank Senators Roberts and Lieberman for taking time out to introduce me to the committee—I greatly appreciate that—as well as with Senator Reid and a number of other Members past and present. I, obviously, have had that pleasure and opportunity to work with many Members in a variety of capacities over the years.

I am very pleased to appear before you today as the President's nominee to be the Assistant Administrator for Prevention, Pesticides, and Toxic Substances at EPA. I hope to continue the important environmental and public health accomplishments launched by the Administration through fair and open implementation of the Nation's pesticide and toxic chemical laws.

Over the past 25 years, my career has focused on issues relevant to that job—pesticide and chemical regulation and protection of public health.

As already mentioned by Senators Roberts and Lieberman, the majority of my career has been spent in a variety of jobs on Capitol Hill, working in the Senate and the House and also the Congressional Research Service.

In these jobs, I have learned to balance competing interests where intense feelings and perspectives are involved. As mentioned already, I did have the opportunity to work extensively on the amendments to our pesticide laws in both 1988 and 1996, which were successfully enacted with widespread bipartisan support, even though those legislative issues are very contentious.

I would like to mention a few of the key accomplishments over the past 7 years of which I am proud to have been a part. These include enacting the Food Quality Protection Act to bring strong protections for infants and children regarding pesticide residues in their diet, expediting the review of new and safer pesticides, strengthening occupational protections for farm workers, increasing the public's right to know by expanding the Toxics Release Inventory, creating partnerships with farmers and others to promote use of Integrated Pest Management and safer pesticides, and last, but certainly not least, creating the high-production volume chemical challenge program to increase the availability of chemical safety and health information.

While it is late in the Administration, serving as the Assistant Administrator presents many positive opportunities. Important work remains.

This year alone we face an ambitious agenda with much more to accomplish. Specifically, for example, this year we must continue the important work of the Food Quality Protection Act. Our priorities in that area, alone, include completing the review of the organophosphate insecticides, strengthening the scientific basis of our decisionmaking, and enhancing public participation by establishing a new Advisory Committee on implementing FQPA.

I will ensure that FQPA decisions continue to be based on sound science, include extensive consultation with our stakeholders, occur in an open and participatory process, and provide a reasonable transition that works for farmers. I believe that these principles will guide us well as we move forward in reviewing the safety of existing pesticides, while also ensuring that farmers have the necessary pest control tools to maintain a safe and abundant food supply.

In our Office of Pollution Prevention and Toxic Substances, where we implement the Toxic Substances Control Act and the Pollution Prevention Act, we are reinvigorating chemical regulation through voluntary partnerships, increasing the public's right to know by making more information available about chemicals and their possible effects, and encouraging pollution prevention through a number of programs to reduce pollution at the source.

Also in this office we implement the programs to reduce childhood lead exposure. This Administration has made significant progress to increase consumer awareness, to reduce childhood lead exposure, and to establish standards on lead hazards. This work is important and will continue.

In the arena of pollution prevention, we must also continue to nurture initiatives where we have found success, such as the green chemistry and design for the environment programs. These and other pollution prevention initiatives are ways to reduce pollution and reduce the cost of doing business for the regulated community.

I would like to close on a personal note. All four of my grandparents immigrated to America through Ellis Island, and I was raised in a relatively austere household. Both of my parents dropped out of high school to make ends meet during the Great Depression. Fortunately, with some luck, some brains, and a whole lot of student loans, I was able to attend some of the Nation's leading universities, and from there I have been fortunate to be able to develop my career in public service and environmental protection. For me, serving in this position will provide an opportunity to give back some of what society has afforded me.

I do look forward to working with Congress in a bipartisan basis as we move forward on finding better solutions to today's environmental and public health challenges.

Thank you very much for the opportunity to appear before you today, and I'm glad to answer any questions you may have.

Senator SMITH. Thank you very much, Mr. Aidala.

Before we go to the questions—I will yield to you in just a second, Senator Voinovich—I do have two questions that I have to ask all witnesses who have come for positions before our committee, and first I'll just ask of you to respond together.

Are you willing, at the request of any duly constituted committee of the Congress, to appear in front of it as a witness if you are confirmed?

Ms. WONG-RUSINKO. Yes.

Mr. CAMPBELL. Yes.

Mr. AIDALA. Absolutely.

Senator SMITH. The second question is: do you know of any matters which you may or may not have thus far disclosed which

might place you in any conflict of interest if you are confirmed in this position?

Ms. WONG-RUSINKO. No.

Mr. AIDALA. No.

Mr. CAMPBELL. No.

Senator SMITH. Let the record show yes to the first question by all witnesses and no to the second.

Senator Voinovich, I know you have an opening statement and questions.

Senator VOINOVICH. Well, first of all——

Senator SMITH. Go ahead and proceed.

OPENING STATEMENT OF HON. GEORGE V. VOINOVICH, U.S. SENATOR FROM THE STATE OF OHIO

Senator VOINOVICH. Thank you, Mr. Chairman. First of all, I'd like to welcome the nominees and the members of their families and apologize that I wasn't here for all of your presentations, but I had the distinct privilege of presiding over the Senate this morning.

I know it is a special day for you and a special day for your families.

Mr. Aidala, I am very proud that someone who was born in Akron, Ohio, from humble beginnings has risen to the place that you have, and I can understand how good you feel about this country and the opportunity that you have to serve.

Mr. Chairman, two of the individuals that are being proposed here today are involved with two agencies that I am involved with here in the Senate. My Subcommittee on Transportation and Infrastructure has the ARC and the EDA. I'd just like to ask a couple of questions in that regard.

First of all, Ms. Wong-Rusinko, there were several attempts in the last couple of years to eliminate the Appalachian Regional Commission, and I'd be interested in knowing why you think that we need an ARC and why it is just not adequate to have their problems taken care of like other States in terms of their problems.

Ms. WONG-RUSINKO. The Appalachian region, which covers a 13-State area, suffers from historic chronic economic distress. As such, the region needs dedicated resources to look at economic transition in a holistic manner, and for that reason I believe that the ARC needs to continue to exist.

Senator VOINOVICH. Do you think that the money that is being allocated today by the ARC is being directed enough toward the distressed areas?

Several years ago, as Governor of Ohio, I was familiar with the ARC, and there were some projects that were awarded in various States that looked to me not to have too much to do with your distressed community, and I'd like you to comment on whether or not you think today the dollars are being directed enough toward distressed areas.

Ms. WONG-RUSINKO. I'm happy to do so, Mr. Chairman.

I believe that the ARC provides a balanced approach to the needs of distressed counties through its existing allocation of funds process. ARC non-highway funds are provided for area development,

distressed counties—111 of them—the entrepreneurship initiative, and 71 local development districts.

In 1983, ARC established a 20 percent set-aside for distressed counties. In fiscal year 1996, the set-aside was adjusted to 30 percent. In practice, however, States have consistently exceeded the 30 percent set-aside and have spent about half of their total project funds on programs that benefit distressed counties. This means that about 50 percent of ARC project funds are being spent on programs to benefit the 11 percent of Appalachia's population living in distressed counties.

As you know, one year ago ARC initiated an in-depth look at its distressed counties program. I commend ARC on their approach to the development of sound policies for the distressed counties in Appalachia. The Agency has made great progress in gathering information throughout the region. Meetings have occurred in Kentucky, Tennessee, and Virginia, and I believe other meetings will be held this year. I am hopeful that, if confirmed, I will have the opportunity of participating in some of these future meetings.

In addition, I am optimistic that the process will yield some very beneficial and thought-provoking recommendations about what is needed to transition economically fragile counties to thriving resilient areas fully capable of competing in the new economy.

I anticipate that the outcomes and recommendations from this process will be reflected in ARC's next reauthorization, and I enthusiastically look forward to the opportunity of working with you and the subcommittee which you chair on looking at how we integrate some of that thinking into ARC's next reauthorization.

Senator VOINOVICH. Mr. Chairman, one of the comments that I'd like to make this morning is that I believe that some of the States should be doing a lot more for the areas that the ARC is working toward their needed areas in the States—in Ohio, 29 counties.

It seems to me that one of the things that ought to be given consideration to is perhaps some type of more-local participation in order to get ARC money. I mean, if it is an area that is in need, it seems to me that the States—particularly right now with the financial condition that States find themselves with, surpluses—should be a little more interested in spending some of their money in those areas that are most distressed.

The other thing that I'd really like you and your team to look at is: how do you take and do a better job of taking all of the Federal dollars that are available and State dollars and blend them so that you have the largest impact on the needed region?

So often, ARC does their thing and then you've got money coming in now under the new program that used to be the Joint Training Partnership Act, but you have all this money flowing in to these areas, and it seems to me that a much better job of coordination ought to be made in terms of accessing those dollars, and I thought that one of the things that ARC could be doing is taking a leadership role in trying to bring those resources together in a way that will have the largest impact on the region, and I'd be interested in seeing if something could be done in that regard.

Ms. WONG-RUSINKO. We will definitely explore those options, Mr. Chairman, and we will look forward to working with you on how

to best do that, either through a legislative route or administratively within the Agency.

Senator VOINOVICH. OK.

Mr. Chairman, could I ask a couple more?

Senator SMITH. Certainly. Go ahead.

Senator VOINOVICH. Thank you very much.

Mr. Campbell, I have been the beneficiary in several capacities of the EDA. I recall when I was mayor of Cleveland that we used the EDA quite constructively to help our city. But one of the things that I'm concerned about is that, under the Clinton-Gore Administration, there has been a major initiative in the area of empowerment zones, and EZ zones, and a lot of money has gone into those projects. I intend, perhaps not this year but for sure next year, to have some hearings on the effectiveness of the spending of those dollars and our urban dollars in terms of making a difference.

One of the things that has always bothered me is that I thought that EDA did such a good job, and that, instead of the money going into the "empowerment zones," that that money could have been better spent by allocating it to the EDA, who has had a long history of some very, very creative projects. I always used to refer to the EDA as the yeast that raised the dough.

I'd be interested in your comment about the empowerment zones and its relationship with the EDA.

Mr. CAMPBELL. Well, Senator, part of the strength of the empowerment zones is the coming together by people from various sectors in the community and producing a believable vision of what that community can become.

The interesting thing that has happened is that many aspirant communities for designation of those zones who did not get designated have done extraordinarily well in implementing strategic plans that they put together. So there is a certain strength and power that comes from communities getting a clear idea of what they want to do and how to go about finding resources to carry that out.

Part of the problem is the way we've always conducted business, with the categorical loan and grant programs—first-come/first-served basis. Those communities that for some reason have been disinvested over time have been left out and left behind. They don't have the plans and they don't do very well in seeking resources in the normal course of things.

Now, I think EDA program works very well, but what is good about EDA programs is that they are flexible and provide money for actual planning. Often, the development districts are involved in projects—putting them together and helping to make deals that are sound investments. You know what can come out of it and what ought to go into it in order to get the right outcome.

EDA brings a combination of resources that are helpful and available across the country. There are a lot of places that I think have benefited very well from the empowerment zones process and that kind of approach.

But the point I want to leave with you is although we have complete coverage of the country in empowerment zones, EDA still can impart the lessons of empowerment zones in other places.

Senator VOINOVICH. Have you observed that the communities that have been designated empowerment zones have received less EDA money than had it not been for the fact that they were empowerment zones?

Mr. CAMPBELL. No, I haven't observed that. I would think we've leveraged, like, some $10 for every $1 that has been put in on the empowerment zone programs, and that has come from a variety of places, including EDA and Health and Human Services and public and private sector, so I wouldn't suspect that I'd find that to be the case. But I haven't observed it. No.

Senator VOINOVICH. I'd be interested in that, Mr. Chairman, to see just what dollars those empowerment zone areas have received in terms of EDA, or have they received about the same as they would have ordinarily, or because they are better organized that makes them more qualified to take advantage of the EDA.

I think the point you made is a very good one, and I hadn't thought of that, but it is a very good one, and that is that the communities that were preparing for the empowerment zones have got their act together, and even though they weren't designated they are doing a better job of utilizing their resources. That's maybe a good idea for the Appalachian Regional Commission, to think of some way that you could require people to get together their resources and then come up with a plan for the region.

I remember back when I was mayor of Cleveland I was part of the group that lobbied for Federal enterprise zone legislations. Originally, Congressman Kemp was involved in that. We finally decided on 75 of them, and then we'd have 25 one year and so on over a 3-year period.

Of course, that legislation was never passed, but as I think back on it, we were trying to prepare to take advantage of one of them. It's amazing. This really gets to the point that you're making. One of the areas in the district that we were going to make application for had the highest crime rate in the city of Cleveland, and because that plan was put together a nonprofit organization was created in the area called "The Midtown Corridor Development Corporation." Today, that area that was awful, in terms of crime and in terms of development, is the best area in the city of Cleveland—the lowest crime rate and the most development. In fact, people are clamoring to get in the place.

So getting people together and getting them organized and looking at things really does make a difference, and I sometimes think that we forget about that on the national level. We mandate these things down, and we don't understand that the real action really is taking place with the indigenous leadership in the community, and the key is getting them together to take advantage of the resources that are available.

Mr. Chairman, I have no further questions except to ask if I could have my statement put into the record.

Senator SMITH. Without objection, the statement will be made part of the record.

Senator VOINOVICH. Thank you.

[The prepared statement of Senator Voinovich follows:]

STATEMENT OF HON. GEORGE V. VOINOVICH, U.S. SENATOR FROM THE STATE OF OHIO

Thank you, Mr. Chairman, for holding this hearing today and I would like to welcome Mr. James Aidala, Mr. Arthur Campbell and Ms. Ella Wong-Rusinko to the committee. I look forward to hearing their testimony.

The three nominees that appear before us this morning have been nominated for three very different positions. Mr. Campbell, has been nominated to be the Assistant Secretary for Economic Development at the Department of Commerce. Ms. Wong-Rusinko, has been nominated to be the Alternate Federal Co-Chair of the Appalachian Regional Commission. And Mr. Aidala is here because he has been nominated to be the Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Mr. Chairman, I am particularly pleased that Mr. Campbell and Ms. Wong-Rusinko are here today. As you know, oversight jurisdiction for the Appalachian Regional Commission (ARC) and the Economic Development Administration (EDA) fall under the purview ofthe Subcommittee on Transportation and Infrastructure, which I chair.

In 1965, Congress created the EDA to bring opportunity to economically-distressed areas of the United States. The EDA has been working for the past 35 years to generate jobs, support private enterprise and help achieve sustainable economic growth by empowering distressed communities to develop and implement their own economic development and revitalization strategies. Since 1965, EDA has funded more than 43,000 projects, investing over $17 billion in more than 8,000 communities. It is estimated that EDA assistance has helped create over 4 million jobs and leveraged more than $ 130 billion in private-sector investment.

Also in 1965, Congress established the ARC to bring the Appalachian region of our nation into the mainstream of the American economy. This region includes 406 counties in 13 states, including Ohio, and has a population of about 22 million people. As a unique partnership between the Federal Government and these 13 states, the ARC runs programs in a wide range of activities, including highway construction, education and training, health care, housing, enterprise development, export promotion, telecommunications, and water and sewer infrastructure. All of these activities help achieve the goal of a viable and self-sustaining regional economy.

The ARC currently ranks all of the 406 counties according to four categories: distressed, transitional, competitive and attainment. These categories determine the extent for potential ARC support for specific projects. They also help ensure that support goes to the areas with the greatest need. Mr. Chairman, distressed counties are the poorest of the poor, with unemployment at least 150 percent of the national average, a poverty rate of at least 150 percent of the national average, and per capita market income of no more than two-thirds of the national average. This means that a distressed county has an unemployment rate of greater than 8 percent, a poverty rate of at least 19.7 percent, and per capita market income of less than $13,674. For fiscal year 2000, 111 counties in the region are classified as distressed, including 9 in Ohio. That is over one-fourth of the counties included in the region.

I know there is terrific potential in Appalachia, and I wholeheartedly agree with one of ARC's guiding principles that the most valuable investment that can be made in a region is in its people.

I look forward to the next reauthorization of the ARC. In preparation, I am planning to hold a field hearing in Ohio on the ARC program under the auspices of the Transportation and Infrastructure Subcommittee sometime in August.

Thank you, Mr. Chairman.

Senator SMITH. I was just going to ask a couple of questions at this point, since I yielded to him first.

Mr. Campbell, I just want to pick up for a moment on what Senator Voinovich was asking.

Oftentimes the criticism is that you get the infusion of the money into these economically depressed areas and it has a temporary effect, but then you get slippage and the help that started with the initial grant or moneys infused in, you get slippage after that and we fall back and we don't sustain the economic help that came into that depressed area.

Could you give me any indication how we might be able to follow through more to sustain that economic development that occurs with the initial infusion of the dollars?

Mr. CAMPBELL. Well, you start with the idea—included in my statement—that economic development is not just about money. You start with the idea of people at the local level creating a vision of what can happen in that community. They start to bring organizations and institutions together to implement specific plans that they develop over time.

Money is important to the implementation of that plan. However, often the community focus is strictly on the project and the money needed to create jobs, without attention to building management capacity. Without proper management, projects can fail. Often that happens.

I think you start with the notion of how to build a business step-by-step. Perhaps you begin with legislation and a locally developed economic development strategy. Finding the money that goes in at the right place, at the right time, and for the right use would help a lot. But if we focus just on the pursuit of doing a project, getting money in, without understanding what the overall scheme of the development could be in that community, then it won't work.

The other problem, Mr. Chairman, I might add, is that we get so focused in some of these communities on the needs and the problems and the pathology of these communities that we don't look at what they can build upon or the available assets.

So I say to communities, "What do you have that you can build upon?" I believe the strategy of always trying to find some industry to come into a community has limited viability and is not always a solution. I think you have to start with what you have. Start with the assets you have in that community and build upon those.

Senator SMITH. How do you feel about new technology being part of that building block?

Mr. CAMPBELL. Absolutely. It is a key part of it. I've talked about education. Unless we focus on preparing these communities that are distressed and poor, that they are going to be left out and left way behind in the application of the new technology.

Technology potentially minimizes some of the disadvantages, especially for distressed communities. For example, with technology the distance disadvantage minimizes the remoteness of some of the small places.

Senator SMITH. Thank you.

Mr. Aidala, when Mr. McCabe was here a few weeks ago I asked him the same question regarding my plan next year to use an authorization process for EPA, which we have not been doing in the past. We basically have the smokestack—the Clean Air Act, the Clean Water Act—all these authorizations of various bills, but never really getting to see how they interconnect.

The response from Administrator Browner, as well as Mr. McCabe, was positive in the sense that they felt that they would be able to work with us in that area.

I'd just be interested in your reaction to that approach as to how this would assist you in terms of your duties over there.

Mr. AIDALA. I think we would, obviously, also welcome that approach, certain to explore it and see what opportunities there may be. In particular, it is relevant to our part of EPA because, as I mentioned in my statement, part of our responsibility is the Pollution Prevention Act, which, by definition, is trying to cut across the

media programs. It is difficult, and we would look forward to working with you and other members of the committee on what are the lessons learned, what do we need to do either more, better, or differently in order to meet some of those goals, so we would welcome that opportunity.

Senator SMITH. One of the areas that has caused great concern is asbestos. I have an example. In some cases you are seeing up to $5,000 a day in fines or violations to schools even. I have been contacted by one school administrator who had been threatened with EPA violations for not having an asbestos plan for a school that was built in 1995 and asbestos hadn't been used in schools since the 1980's.

How do you address a situation like that, I mean, where a risk is not present but you still have the regulation and somebody is out there trying to enforce a regulation doesn't even make sense?

Mr. AIDALA. Obviously, I am not familiar with that particular example. On the face of it, I think you are right. It sounds like it is a technical term sometimes often used, which is called "it's a mistake." I'm not sure. That sounds——

Senator SMITH. I think it is more getting into the regulations and updating them——

Mr. AIDALA. Sure.

Senator SMITH [continuing]. And not having to live with regulations that have just gone by the boards.

Mr. AIDALA. That's part of our effort, in general. Asbestos has been in the news for other reasons also recently, and it is forcing us to re-examine where that issue has been in the past 15 or so years at the Agency.

But, in particular, in all seriousness, about any time you have an implementation program you have to use some kind of reasonableness and common sense. Again, I'm not familiar with the exact example you raised. On its face, you are absolutely right.

For example, our lead regulations, lead paint was stopped in 1978. If you have houses or an apartment building built in 1990, it would be the same thing. And so it doesn't mean that there is absolutely no problem, but obviously you have to apply sort of just basic intelligence on that.

Senator SMITH. This criticism or comment, perhaps better, comes up frequently when we talk to folks in the field, and yet everyone, including yourself, gives a reasonable answer to it. We shouldn't be doing such things, but it happens. It happens a lot. It happens in—we test, for example, in many of our water systems for contaminants that aren't even in the water, and yet we continue to have to test for them even though they are not there. That's just another example, a generic one.

It happens a lot, and I think I would just encourage you to look hard at that, because I think it makes us all look bad, any of us who are in the employment of the Government one way or another, to have those kinds of things surface which are just totally preposterous and make a joke out of what we are trying to accomplish.

Mr. AIDALA. I couldn't agree more, Senator, especially the part about credibility, shared credibility. This is not about whatever branch of Government and what-not. It's the Government that owes the people more than simply the sort of, "Hold it, this makes

no sense. This is impossible by definition.'' We need to respond to that.

We have made—you know, it's never enough, but we have an ever-increasing effort to try to move away from everything from the individual stovepipes to try to have more of a policy from headquarters that obviously incorporates those kinds of reasonable approaches, while I'm sure we'll always be able to do better.

Senator SMITH. Thank you.

Senator Bond?

OPENING STATEMENT OF HON. CHRISTOPHER S. BOND, U.S. SENATOR FROM THE STATE OF MISSOURI

Senator BOND. Thank you very much, Mr. Chairman. It is my pleasure to join with you in welcoming the nominees and their families. I see some of the younger members are maybe a little bit less thrilled with the boring nature of these lengthy discussions, but this is what the folks that we are talking about have to go through every day, so now you know some of the burdens that they face.

We are pleased that you could be here. I've had a good conversation with Mr. Campbell and talked about a lot of areas of mutual interest. We have a few things that we want to followup on with him, but we've had a good conversation there.

Mr. Aidala, this has to be one of the toughest jobs in the Federal Government. You understand that, by being willing to undertake this job, that may disqualify you by casting doubt on your judgment, and I trust——

[Laughter.]

Senator BOND. I'm sure this is a line the Capitol Steps could use.

I originally came here this morning to explore with you the mysteries of the Food Quality Protection Act, whose administration has managed to keep almost all interested parties sullen and on the verge of outright rebelliousness, but a pending floor amendment forces me to put you on the spot here this morning.

You spent years reviewing scientific data, but we have overnight to review the merits of a proposed amendment for the Defense appropriations bill. It's very short. Let me just read it to you.

''None of the funds appropriated under this act may be used for the preventive application of a pesticide containing a known or probable carcinogen or a category one or two acute nerve toxin or a pesticide of the organo-phosphate, carbomate, or organochlorine class in any area owned or managed by the Department of Defense that may be used by children, including a park, base housing, a recreation center, a playground, or day care facility.''

You are responsible in this area. Do the data—does the information that you have support this amendment?

Mr. AIDALA. Senator, we just became aware of this proposal in the past, I think, 48 hours or so and haven't had time to take a particular position. I think there are some issues about the crafting of this language. For example, it is a rather broad brush of all the different kinds of pesticides that are mentioned here.

I would be happy to sit down with your office or the offices of the Members that are sponsoring the legislation and, in effect, see what they're really trying to get at and whether or not that's something that makes sense to the particular situation at hand.

Let me mention one or two things.

The Department of Defense is one of the biggest users of pesticides as a single entity. At the same time, they've just reduced their pesticide use over 50 percent over the past—I forget what period of time, 6 or 7 or 8 years, or even less. They've made great strides in that arena.

I think the intent here is something we could all agree with, which is obviously if there are dangerous pesticides you don't want to have them used around children. But whether or not this particular language does that and/or more I think we'd have to take a look at a little more particularly.

Senator BOND. What troubles me is that you all are the experts, and if this was clearly needed we would expect you to come forward with it. I trust that there may be a couple in our body of a hundred who know what the hell this is all about and can understand it and interpret it, but I'm sure not one of them. I will be very honored to meet any of my colleagues who really do understand all of the ramifications of it.

It seems to me that this is something that is within your judgment and we've got to depend upon a lot better scientific understanding and knowledge than we have right now.

Nobody in Congress or the EPA wants children exposed to harmful pesticides or other chemicals, but we also don't like disease-carrying roaches and spiders and ants and tics. We made a lot of progress reducing the danger to children because we have been able to kill many of those things which are disease carriers and can even be fatal to small children.

This is an area where we count on your expertise, and I'm a little bit concerned about the breadth of this.

Second, how long has chlorpyrifos been on the market, Lorisban?

Mr. AIDALA. Mr. Chairman, it was first registered, I believe, in 1965 or so.

Senator BOND. Let me ask some of the assumptions that went into this study. For example, I heard that to determine exposure one study assumed that a 1-year-old would drink eight glasses of grape juice every day, and another study used a required dose well above that allowed on the label, the equivalent of more than 500 applications in a home every day.

Is this accurate on the study, and are these realistic assumptions?

Mr. AIDALA. There may be some of the initial models that we use in the case of any pesticide—not this particular case—that have, shall we say, conservative assumptions. I don't think they are as overly conservative as you mentioned, but I'm happy to look into that.

In the case of chlorpyrifos, which agreement was announced last week, there were a couple of things that are very much different than some of these sort of baseline assumptions. For example, we had an additional 200 studies from the company. That's on top of the sort of normally required 120-plus studies, so there is a package of over 300 studies that we looked at.

A lot of that data came from, for example, USDA's PDP—pesticide data program—which is the actual residues in foods. In other

words, you're not assuming what may or may not be in the grape juice. It is what is in grape juice as they sample it.

We had separate studies from USDA about food consumption, so it is not an assumption about whether it would be 28 glasses of whatever substance a day, but what do people really eat and drink.

Those are the real-world data that we put in the equations and did in the case of chlorpyrifos when we did our assessments, and especially supplemented by those additional 200 studies by the company which, again, used less of the modeling assumptions and more of the actual—for example, putting monitors on people as roach spray was sprayed and see what's in the air and things like that. It was a whole lot of realistic data developed by the company, themselves.

Senator BOND. Well, I had understood that the Vice President directed EPA to work with USDA in this area, but we hear from USDA that they just learned about this announcement last week as it was happening.

How well is USDA kept in the loop in making these determinations?

Mr. AIDALA. We work very closely with USDA all the way from the top through the rank and file, if you will. For example, just next week we'll have our first Advisory Committee meeting, which is the third in a series of Advisory Committees that we've had that are co-chaired by the Deputy Secretary of Agriculture, Mr. Rominger, and the Acting Deputy Administrator at EPA, Mr. McCabe, all the way down to the rank and file.

In this case of chlorpyrifos it was a little bit different because the primary issues of concern were not agricultural. That's not to say that we then didn't work with them, but obviously if it is a crop use and—much of our work, the majority of our work, obviously, affects more crops than home and garden uses from the homeowners' point of view, but chlorpyrifos was a little bit unique in that way.

Senator BOND. Well, you talked about what is going forward. Was it true that USDA just learned about it last week? I mean, is this something that was sprung on them?

Mr. AIDALA. That would surprise me, actually. We had announced to the world, including—I mean, as well as USDA, even informally, that we were preparing for what we call under the FQPA process a ''technical briefing,'' and that is, by definition, announced 3 or 4 weeks in advance.

We obviously tell them long before that, and they certainly are aware of our assessments. We ship again, for some of these processes that have been developed with a variety of stakeholders, ship the assessments over to USDA, seek their input. Again, in this kind of case, where the biggest concerns are home and garden uses, they are not things that USDA would normally be very much engaged in, but they are aware of it.

Senator BOND. Last year we increased the Registration Division's budget 11 percent, but there were fewer decisions last year, nevertheless.

We need, as I think everybody agrees, to assist farmers in transitioning from lost products to new products, and as products are taken off the market we need to get the final determination on

what is safe so that we can deal with pests of all kinds, from insects to fungi to noxious weeds.

Is there anything that Congress can do to get the registration process moving so we can get some final decisions?

Mr. AIDALA. It has been moving pretty well in the past. We are at relatively historic levels. We've registered over 110 new active ingredients since FQPA was enacted, and that's very important, because by definition each one of those decisions meets the absolute toughest law in the world for pesticide regulation, the FQPA.

At the same time, obviously we did take a hit in our budget 2 years ago, and what that translates into is you're seeing less decisions right now because of the lag time from the time that we have from sort of setting up the decision and getting the review packages together and moving them through our system.

One idea has been floated—and I know it has been talked about at least among some Members of the Senate, but I don't think the Agriculture Committee has taken up any formal inquiry, per se, have not done a hearing and things—is the concept of a fee-for-service contribution from the regulated community to help accelerate the decisions moving through our system.

At any given time we have about 3 years of applications, and obviously in one year we do one year's worth. So if we do—if we were to be able to find additional funds, by whatever means, we obviously could accelerate some of the decisions that we have pending before us.

Senator BOND. Finally, I am advised that the vote on this amendment on the Department of Defense bill is going to occur at 2:20 p.m. Any guidance for us on that measure?

Mr. AIDALA. I'm happy to do it now, do it here, do it in the back room, do it wherever you'd like—happy to sit down with, again, your staff and/or other Members and their staffs who are interested and advise through that means.

Senator BOND. Well, this is our best shot. Give me your 60-second, "What do we do?" I've got two of my colleagues here. We've got 3 percent of the Senate, and we can talk for the other 97.

Mr. AIDALA. So roll your sleeves up and get your yellow pencils out.

Having been a member of the Senate staff as my first Hill job back for Senator Percy of Illinois at the time, obviously in this kind of situation the question is whether or not you want to have an agreement to perfect it over time sooner than later. I'm not familiar with what the motivations of the sponsors are. I mean, we can sort of infer some of this, given the language and all.

Senator BOND. I'm not interested in the motivations, but, I mean, do we vote to put this in law, or is this something that requires more work with EPA?

Mr. AIDALA. I would suggest it probably needs a little more work with EPA, but that is obviously up to the Members of the Senate and the sponsors.

Senator BOND. You aren't ready to say that this is—EPA's got questions that have to be resolved.

Mr. AIDALA. I would say that—again, from its appearances it is not an EPA amendment, it is a DOD amendment. I suspect DOD would have questions wondering exactly what it is going to mean

and how they are going to implement it, if that helps you at all, Senator.

Senator BOND. Mr. Chairman, do you understand?

Senator SMITH. I think I do.

Senator BOND. OK.

Senator SMITH. You know, just as a followup on that, it would seem to me the lawn care folks on the military bases—what if this thing were the pass in this form, would that prohibit that?

Mr. AIDALA. No. Again, as I said, there have been over 100-plus new chemicals registered since 1996, most of which, I suspect, are not in these categories.

I suspect that the biggest difficulty, upon further sort of debate and review, is sort of whether or not, as Senator Bond indicated, the sort of sweeping breadth of it is whether or not you are sort of putting in too much in certain categories. But, again, not knowing the intention of the sponsors, per se, that would be my immediate response.

Senator BOND. Attention is beside the point. The question is, this is what—when you get the scientific evidence, this is what you are supposed to do, right? If you find something that is bad that should not be used in Defense Department playgrounds or school playgrounds or homes, you ban it, right?

Mr. AIDALA. And I think—again, I know we're not talking to the sponsors of this thing. I suspect the short answer is yes, Senator, I guess, to get to your point. But other than that I think the concern is whether or not all these classes of compounds have been through the full FQPA review, and they have not. I think that's part of what is the motivation here, but, again, I'm only speculating.

Senator BOND. Thank you, sir.

Thank you, Mr. Chairman.

Senator SMITH. Thank you, Senator Bond.

Senator Voinovich, do you have any further questions? If you don't, I'll bat clean-up and we'll wrap it up.

Senator VOINOVICH. Wrap her up.

Senator SMITH. You all finished?

Senator VOINOVICH. Finished.

Senator SMITH. Let me just go back to a question for you, Ms. Wong-Rusinko.

As you, I know, are aware because you responded to it in a private letter, but I want to give you the opportunity to respond to it here publicly, the letter that Senator McConnell sent to the President expressing concern that you didn't grow up in the Appalachian region, therefore probably wouldn't be a good nominee. Since those letters are made part of the record, I wanted you to have the opportunity to respond to it here publicly.

Ms. WONG-RUSINKO. Thank you, Mr. Chairman. I appreciate the opportunity.

I think that my experience, especially growing up in Texas, has really allowed me to look at distressed communities. If you look at some of their statistical data, you have unemployment rates, 24-month unemployment rate anywhere from 24 to 30 percent. If you look at the 3-year data for States in the Appalachian region, they

are not close. You have 17 percent and 18 percent unemployment rates.

So I have seen what it is like along the U.S.-Mexico border. I know what it is like not to have access to water, not to have good roads. I believe that I bring a certain sensitivity to the position, as well as, I hope, some creativity.

All I want is a fair chance to be allowed to do that, and I think that's my best answer.

Senator SMITH. All right. Just a final question for you, Mr. Aidala.

The issue of animal testing has gotten quite a bit of prominence, as you know. Speaking for myself as the chairman of the committee, I want to also indicate to you that it would make me very happy if we could eliminate all unnecessary animal testing. I think that we are locked into this 40 or 50 years back. We've always done it; therefore, we will continue to do it. And we're not really looking at other alternatives. You know, there is a difference between what is necessary and what is not.

I guess let me just ask you, what efforts will you make, as the Assistant Administrator for Toxic Substances, to address reducing and ultimately replacing the use of animals in toxicity testing?

Mr. AIDALA. We make, will continue to make, extra efforts in that regard, Mr. Chairman. We have been in the lead, not only within EPA but within the Federal Government, on attempting to pursue that policy of reducing, refining, and replacing animal tests altogether. That's a stated goal of ours and one that we spent a significant amount of time on throughout various parts of our programs.

We are very active in what is called the "Inter-Agency Coordinating Committee on Validating Alternative Methods." It is a very important part of making sure that we have the scientific credibility of whatever new test method, whether it be animal or non-animal, but this is especially a good forum for the non-animal tests.

We also use that as a springboard to take a lead in the international forum, especially working with OECD and other international partners.

The difficulty sometimes comes in validating these non-animal tests, besides the sort of obvious scientific questions. There are certain scientific standards that must be met.

Sometimes it takes a number of non-animal tests to replace one whole animal test, and that sometimes is a misunderstood point. But if you do it right—for example, notwithstanding you may not have an altogether substitute for an animal test—we have situations in part of our programs, for example, where, by combining guidelines, for example, of certain other test requirements, we can reduce the use of animals by 70 to 80 percent compared to, as you say, some time ago, even more recently than 50 years ago.

So getting reductions in the 70 to 80 percent range, looking for these alternatives altogether, trying to sort of share some of your concern about, "Are we just doing this because we've always done it that way, or is there, again, shall we say, a particular valid scientific reason, given our regulatory duties, that we have to have this kind of information?" And, notwithstanding that, have we made every attempt to reduce or refine or eliminate animal tests.

Senator SMITH. This became quite a controversial issue, as you know. There have been some ads run on it.

Mr. AIDALA. Sure.

Senator SMITH. I just want to tell you, in all candor, I have been told by people in and out of the EPA, many inside, that a lot of what you do, if not most, is not needed, and that there's just basically a mind set that we've got more important things to worry about than that, and I just want to let you know that I feel very strongly about it, and if you are interested in pleasing me this can help. If you're not, then that's another issue.

But as the inter-agency, I cosponsored that so-called ICCVAM. For the purpose of those people who are watching and don't know what we're talking about, the Interagency Coordinating Committee on the Validation of Alternative Methods, which seeks to make this a permanent committee.

Now, EPA has decided to use the ICCVAM to validate the non-animal test methods for the endocrine disrupter screening program, but intends to use an EPA review process for animal methods. Now, the EPA review process is a lot less stringent than the other. I think that's a double standard, and I think you ought to apply the standard to both.

If you don't apply that standard, it won't happen. You know that. It's not just EPA, it is also National Institute of Health. It is everywhere, wherever this stuff goes on.

Mr. AIDALA. Sure.

Senator SMITH. A lot of it in the Pentagon, as well, where I'm also looking at it.

I think it says a lot about a society. A lot of people say, "Well, we need to care about people more than animals." Well, I don't know that that's necessarily true. I'm saying that a lot of the problems that we have with abuse, for example, with children comes from people who abuse animals first. Wife beaters tend to abuse their dogs and cats and child abusers abuse animals before it all starts. So I think it says a lot about a society to say, "If we don't need to use animals for testing, let's not use them." But it takes somebody with some leadership in the Agency to say, "Enough is enough. Let's look at this. It is important. Let's move on with it."

I think ultimately it saves money, frankly, if you can use non-animal sources.

Let me just say thank you to all of the witnesses.

Does anybody have a final parting comment you'd like to make, a reaction to what anybody has said?

[No response.]

Senator SMITH. Don't be too concerned about the lack of attendance. This happens frequently because people are involved in so many things. Usually when there is full attendance you should be worried because somebody is mad about something and they're going to come after you.

[Laughter.]

Senator SMITH. That wasn't the case here. I think you can expect, since I am the chairman and I can make this statement, a timely consideration of your nomination.

With that, I'll dismiss you and say we'll leave the record open if anybody wishes to provide questions to the witnesses, which you

may have to respond to if they come. We'll leave it open until close of business Friday.

With that, the hearing is adjourned.

[Whereupon, at 11:08 a.m., the committee was adjourned, to reconvene at the call of the Chair.]

[Statements submitted for the record follow:]

STATEMENT OF HON. MAX BAUCUS, U.S. SENATOR FROM THE STATE OF MONTANA

Thank you, Mr. Chairman. I would like to join you in welcoming our nominees this morning. Each of them has demonstrated a strong commitment to public service in their careers and I commend them for it. It is heartening to find such capable people willing to serve the public.

Mr. Aidala has been nominated to advise the Administrator of the Environmental Protection Agency on pollution prevention, toxics and pesticides. In my state of Montana we have had some very unfortunate incidents resulting from our lack of understanding and overseeing the use of toxic substances. I look forward to working with Mr. Aidala to ensure that what has happened with asbestos contamination to Libby, Montana, does not happen again elsewhere.

Mr. Campbell's nomination to be the Assistant Secretary for Economic Development is of particular importance to me. EDA is a major source of economic development assistance in Montana. It has been instrumental in working with communities around the state providing grant funding that helps to generate jobs, and stimulate industrial and commercial growth. There are many Montana families today that have directly benefitted from the work of EDA.

Ms. Wong-Rusinko will be a welcomed addition to the Appalachian Regional Commission, an organization that is of great importance to many members of this committee. This committee has worked with her over the years in her capacity with EDA and her talents will be put to good use at ARC.

I look forward to hearing from each of the nominees.

STATEMENT OF ELLA WONG-RUSINKO, NOMINATED BY THE PRESIDENT TO BE ALTERNATE CO-CHAIR, APPALACHIAN REGIONAL COMMISSION

Mr. Chairman, Senators Baucus, Warner and Hutchison, distinguished Members of the committee and committee staff, I am honored to be afforded the opportunity to appear before you as President Clinton's nominee to the position of Alternate Federal Co-Chair of the Appalachian Regional Commission (ARC). I thank the President for this nomination and for the professional opportunity of serving for 7 years as an appointee at the Economic Development Administration (EDA), one of nine bureaus within the U. S. Department of Commerce.

Mr. Chairman, I am grateful for this hearing and for the many courtesies which committee Members and staff have extended to me in my current Federal position. In particular, I am grateful for the bipartisan collaboration that produced Public Law 105-393, The Economic Development Administration Reform Act of 1998 historic reauthorization legislation accomplished by this committee and the leadership of Senators Max Baucus and Olympia Snowe, original sponsor and co-sponsor of the legislation. Senators Warner and Baucus please accept my gratitude and sincere appreciation for your support of my nomination. I would also like to thank House of Representatives Members who supported my efforts to secure this nomination The Honorable Jim Oberstar of Minnesota, The Honorable Bob Wise of West Virginia, and The Honorable Martin Frost of Texas.

Dr. Jesse White, Federal Co-Chairman of the Appalachian Regional Commission, is with us at this hearing. I thank you, Dr. White, for your support of my nomination and for your collaboration, guidance and leadership. I look forward to having the opportunity of working with you and the ARC staff on behalf of the Appalachian Region.

First, I am here because of the unique and special support provided to me by my family my husband, Paul Stephen Rusinko; my two sons, Christopher Paul and David Elliott; my parents Ella Guadalupe and Pete Wong; my sister, Rose Mary, and brothers, William and Jesse and their families; my aunt, Finora Fuu; my parents-in-law, Paul and Ester Rusinko; and my sister-in-law and her husband, Shirley and Peter Brauning and their two children.

Second, I would like to express my appreciation to the employees at EDA and ARC for their guidance and support. In particular, I would like to recognize the dedication and commitment of many career and tenured professionals at EDA and

ARC who serve loyally and faithfully to make a difference in the Nation's distressed communities. In the time I have spent at EDA, I believe we have accomplished a great deal and more remains to be done. My thanks to EDA field and headquarters staff, and, in particular, to EDA research, analysis, web, communications and budget employees for the opportunity of working with you in a special manner. The talent of these individuals has allowed me to work on the development and implementation of innovative client-focused policies, processes and procedures at EDA.

Next, I would like to extend my sincere thanks to the many national organizations that I have had the opportunity of working with on economic development issues. In particular, I am grateful for the working relationships that I have been able to establish with the National Association of Development Organizations, the National Association of Regional Councils, the National Association of Counties, the U. S. Conference of Mayors, the Public Works and Economic Development Association, the League of Cities, the National Association of Towns and Townships, and the Council for Urban Economic Development.

When I spoke with committee staff, I was asked to talk about "my vision." If you will indulge me, I would like to share someone else's vision and how that vision became a reality through a special partnership. It was this unique effort which has greatly influenced my commitment to public service and to the creation of tangible opportunities that can become a reality.

My mother whom we lovingly called "Mama" had a vision for her family. That vision was to pave a road of opportunity for her four children with a foundation made up of love of God, love of family, love of country and respect and understanding for your fellow man. Had she lived 3 years longer, she would have celebrated her 77th birthday just 5 days ago.

Mama had a plan for the children's future: a thoughtful and flexible master plan developed through an exceptional partnership with Dad. This special relationship involved sharing the benefits, making sacrifices and dealing with the challenges. It meant working together in a consensus and creative manner toward implementation of an overall plan. The plan had to be updated periodically to account for changing priorities or a "better way." For the plan to work, our parents realized that the children would need a "nudge" and that meant start-up capital, which was not readily accessible.

My parents were raised in rural, farming areas of Mexico and China. As legal immigrants to the United States, they faced many challenges: learning another language, earning a living, making new friends, finding a place to live, and providing for their children. It was a difficult time. For them, getting started was not an easy task. Securing credit or a loan in the 1940's for business start-up purposes was an enormous challenge. Thankfully, today it is easier for more people to obtain credit as a result of the availability of state and Federal programs.

Mom and Dad worked hard and saved religiously. They started out small by opening a restaurant, later they expanded and opened what we called an "ice-house" or in today's terms a "fast-stop convenience store." What is more important, they saved and invested wisely for the future. They continued to pursue their goal of providing sound educational opportunities for their four children. Eventually they purchased a mid-size business a grocery store. For them, the businesses were the vehicles they would use to pave roads of opportunity for themselves and their children.

Since education was a parental priority, the youngest would stay at home after school with my maternal grandparents who lived with us. As we got older, we would have to go to the grocery store after school. Homework was always first, then work. We stocked shelves, helped deliver groceries, and as we say today, other duties as assigned. As the eldest, I was taught to help with paperwork and bookkeeping. The grocery store was my parents' last investment together. The business did well and after decades of hard work, they sold the grocery store.

My parents' story is one of business success, but how did they do it? First, they secured technical help, from those knowledgeable about businesses. They developed and implemented a business plan that included goals and objectives. My parents took calculated risks. They initially put more than half of their money to work for them in the business. In my parents' case, each business investment required an outside financial partner. They were diligent, persevered, planned and partnered to implement their master plan.

Goals for the children and objectives for the business were interrelated and each had milestones with projected outcomes. Plans were refined or changed which often generated better results. The results showed accomplishment which provided my parents with a great sense of pride and the incentive to continue with full implementation of the plan. A child graduating from high school or college was a milestone. Witnessing your child secure a job that took her away from home was an outcome. Observing your child become independent and self-sufficient were results and

measured the success of your master plan. Full implementation of the plan showed that you had a key role with the transition of a helpless, dependent child to a responsible adult.

Noteworthy is the fact that the last family business, the grocery store, was strategically located in an area of mixed economic need. To the North were about ten square blocks of Federal-government subsidized public housing. The downtown area was about two miles East and residential housing South and West. The availability of public infrastructure, the Federal Government role, and the private sector investment together with my parents' commitment and initiative yielded a formula for business and personal success.

My parents' vision, how and what they accomplished, is applicable to economic development. I believe successful economic development begins with thoughtful planning that generates partnerships. Local, state, regional, and Federal partnerships produce a shared responsibility for making sound investments that can transition economically fragile areas of our Nation into self-sustaining, healthy communities. Fostering partnerships that eventually produce vibrant, competitive economies are inherent to the missions of ARC and EDA.

Economic development is a local, "bottoms-up" process which results in a quality of life environment that generates jobs through community and private sector partnerships. Traditional economic development investments are critical to communities, especially those that lag behind more prosperous areas. All communities have unique developmental needs and no easy formula exists to achieve or sustain economic resilience.

Advances in technology and telecommunications have posed new challenges for our children and the places they call home. Many American communities struggle to provide essential services that include quality-of-life, sustainable economies. The new economy is globally competitive and the opportunities are greater. However, so are the barriers especially for those communities diligently working toward meeting basic living needs, such as water, roads, schools and jobs. Many areas of the Nation are out of the economic mainstream profile: high need counties of the Appalachian Region, localities along the United States-Mexico Border, remote areas of Alaska, much of the Mississippi River Delta, pockets of severe poverty in large cities like Los Angeles and New York, lesser populated tracts of Mid-Western states, and Native-American tribal units.

My view is that the strength of the country in a world economy is derived from the ability of our communities to compete in a communications-oriented environment.

The recent and remarkable economic expansion of the United States economy presents us with a unique opportunity:

To make a real economic impact faster by strategically focusing and targeting resources on the distressed areas of the country accomplished through state, Federal, and private sector partnerships.

I believe that collaboration, consensus, and non-partisan partnerships assure economic opportunities and lasting outcomes for American communities.

America is rich in new, untapped markets. Through many worthwhile Federal, state and local programs, I believe we are making a difference. I am very proud of having the unique seven-year experience of working with the EDA at the Department of Commerce. An agency with the mission of job creation and retention that stimulates industrial, technological, and commercial growth in economically-distressed rural and urban areas of the United States. Through Federal efforts, such as those of ARC and EDA, I believe we are creating economic opportunities for the Nation's distressed communities in different, but complimentary ways.

ARC is focused on the specific needs of a region of the country with a century of historic poverty and economic distress a Region that has consistently suffered from underdevelopment, geographic isolation, and out-migration. The challenges of the Appalachian Region which includes 406 counties in 13 states (Alabama, Georgia, Maryland, Mississippi, New York, North Carolina, Kentucky, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia) are longer-term requiring longer-term, targeted solutions. The Commission through a unique Federal/State partnership focuses on a broad-based approach to economic development and implements solutions that include transportation, education, training, health, and entrepreneurial development.

EDA, by contrast, is focused on the needs of distressed communities nationally and responds to cyclical and structural changes in the economy, such as military base closures, declared natural disasters, Department of Energy reductions, major plant downsizing or shutdowns, Native-American needs, international trade agreements, depletion of natural resources, and brownfields, to name a few areas of need. Through a strong, flexible portfolio of transition tools and a national network of 320

planning organizations, 69 university centers, and 12 trade adjustment centers, EDA provides assistance on a cost-shared basis directly to eligible units of government and to non-profit organizations for economic development.

I believe the Federal role in economic development is to provide the mechanism and "the nudge" or assistance that creates partnerships, helps build the consensus necessary for implementation of state-of-the art practices, and produces long-term, sustainable results. On a project by project by project basis, the Federal Government should be a partner to deliver resources to fill the critical gap and then withdraw and allow the private sector to develop the project. American communities with good jobs, access to education and technology are becoming more proficient at competing in a world market economy. But, what about communities or regions that lack the good jobs and access to education and technology?

A November 1999 Department of Commerce updated report, Falling Through The Net, issued by the National Telecommunications and Information Administration (NTIA) focuses on the telecommunications and information technology gap in America. The report concludes that:

> The Census data reveal a number of trends. On the positive side, it is apparent that all Americans are becoming increasingly connected whether by telephone, computer, or the Internet over time. On the other hand, it is also apparent that certain groups are growing far more rapidly, particularly with respect to Internet connectivity. This pattern means that the "haves" have only become more information rich in 1998, while the "have nots" are lagging even further behind.

. . . It is reasonable to expect that many people are going to lag behind in absolute numbers for a long time. Education and income appear to be among the leading elements driving the digital divide today. Because these factors vary along racial and ethnic lines, minorities will continue to face a greater digital divide as we move into the next century. This reality merits a thoughtful response by policymakers consistent with the needs of Americans in the Information Age."

The NTIA report raises several questions about the Federal role in economic development, especially in distressed areas like the Appalachian Region. More specifically, what policies are needed to assure those American communities already economically strained do not lag even further behind? How do we integrate technology-led economic development into the planning and investment process? In this context, the term "technology-led economic development" means incorporating into comprehensive development strategies a thinking that allows communities to transition to the next level of need that factors competing in a cyber economy. Do existing state and Federal Government programs have the technical capacity and understanding to provide the type of assistance communities need to survive and thrive in the new economy? For every region and community, affordable access is critical to opportunity because without access there can be no opportunity.

The questions require answers and I hope to be involved in answering some of those questions as we craft policies and approaches that will continue to effectively transition the Appalachian Region out of its historic economic distress. For some time now, I have sought out an appropriate quote that captures the essence of my views on economic development, which I believe is about creating opportunities and "a fair chance" for people. I believe I found it. On July 4, 1861, President Abraham Lincoln in a message to Congress in Special Session stated:

> This is essentially a people's contest . . . It is a struggle for maintaining in the world that form and substance of government whose leading object is to elevate the constitution of men to lift artificial weights from all shoulders to clear the paths of laudable pursuit for all to afford all an unfettered start, and a fair chance, in the race for life.

Mr. Chairman, in closing I reiterate my appreciation to the committee for this opportunity and fair chance. To my husband and children, I thank you lovingly for being there for me. To my family, especially my parents, I express my heartfelt thanks for the opportunities and values that you have given me. To my professional colleagues, I look forward to the opportunity of working with you in a new capacity. Thank you.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to Honorable Bob Smith, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

Name of Nominee: Ella Wong-Rusinko

Business Address: U. S. Department of Commerce
~~Economic Development Administration~~
1401 Constitution Avenue, NW Room 7814A
Washington, D. C. 20230

Business Phone: (202) 482-2309 or 482-2485

Home Address: 2721 North 24th Street
Arlington, Virginia 22207

Home Phone: (703) 524-4978

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Wong-Rusinko (Last) Ella (First) Mary (Middle)

Position to which nominated: Alternate Federal Co-Chair, Appalachian Regional Commission

Date of Nomination: March 23, 2000

Date of birth: 08/08/48 (Day) (Month) (Year) Place of birth: San Antonio, Texas

Marital status: Married Full name of spouse: Paul Stephen Rusinko

Name and ages of children:
Christopher Paul Rusinko 14 years old
David Elliott Rusinko 8 years old

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Incarnate Word College San Antonio, Texas	September 1966 May 1970	BA	May 1970

Employment record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

(1) Casework and General Operations Manager, Foreign Language Writer, Secretary Receptionist. Work involved general office management, constituent casework, Spanish translation work, visitor tours, scheduling, and receptionist. U. S. House of Representatives, Congressman Henry B. Gonzalez, Washington, D. C. August 1970 to October 1977.

(2) Legislative Liaison Assistant, Special Assistant to the Commissioner, Management Analyst. Work involved congressional liaision, coordination of agency seminars, scheduling, managment and financial analysis, and five years of audit work. U. S. Department of Justice, Immigration and Naturalization Service, Washington, D. C. October 1977 to November 1984.

(3) Chief of Staff. Work involved managment responsibility for a Washington and seven district offices for a Member of Congress. U. S. House of Representatives, Congressman Albert G. Bustamante, Washington, D. C. December 1984 to December 1993. (Member lost re-election bid.)

Employment record—continued

(4) Executive Assistant. Worked involved setting up a Member's office and development and implementation of systems and processes for effective and efficient management. U. S. House of Representatives, Congressman Gene Green, Washington, D. C. January 1993 to August 1993.

(5) Director, Office of Congressional Affairs; Director,Office of Congressional and Public Affairs; Director,Office of Communications and Congressional Liaison; Deputy Assistant Secretary for Congressional Liaison, Program Research and Evaluation. Work involved policy development and implementation; management and coordination of congressional, communications, and intergovernmental activities for a bureau; legislative strategy; production of studies and evaluations of significance to economic development; budget development and coordination; audit liaison activities; coordinating publication of agency notices; and Web site development and coordination.

Honors and awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

None.

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
None.		

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

Qualifications—continued

Twenty-fine years of Legislative Branch and Federal agency experience that includes a strong background in federal economic development policy and intergovernmental relations. I have served in sensitive, senior management, appointed and/or competitive positions that have required an understanding of the Federal Government and the United States Congress, in particular, the legislative process, Congressional protocol, and liaison with state, city and county units of government. My experience has allowed me to develop stron management, administrative, strategic planning, organizational, writing, communication, and interpersonal skills that support abilities to work independently, foster teamwork, and develop professional partnerships.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

None.

3. Has anybody made a commitment to you for a job after you leave government?

No.

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

Yes.

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No.

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

Promotions within the Agency.

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

None.

2. Are any assets pledged?

No.

3. Are you currently a party to any legal action?

No.

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes.

5. Has the Internal Revenue Service ever audited your Federal tax return? if so, what resulted from the audit?

No.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

No conflicts or potential conflicts are indicated, but should any arise, I will work collaboratively to address and resolve any issues.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

Signed statement attached.

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

None.

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

None.

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

None.

Additional matters—continued

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes.

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No.

AFFIDAVIT

Ella Kong-Rawitz) **ss**, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 17 day of April , ~~19~~ 2000

Kathleen Colbert

Notary Public

My commission expires 10-31-2001

APPALACHIAN REGIONAL COMMISSION
A Proud Past, A New Vision

Office of the Federal Co-Chairman

April 14, 2000

Ms. Ella Wong Rusinko
Deputy Assistant Secretary for Congressional Liaison, Program Research and Evaluation
Economic Development Administration
United States Department of Commerce
14th Street and Constitution Avenue, N.W.
Washington, D.C. 20230

Dear Ms. Rusinko:

I have reviewed your Public Financial Disclosure Report and I find no holdings that require a specific disqualification agreement, as none of your assets or those of your spouse currently create a conflict of interest, or the appearance of conflict of interest, with the duties you would perform as Alternate Federal Co-Chairman of the Appalachian Regional Commission.

You are reminded that you may not participate in an official capacity in any matter that would have a direct and predictable effect on your financial interests, or those of your spouse or any organization with which you serve as an officer or trustee, regardless of whether the matter involves specific parties or is a broad policy matter which affects many entities. However, regulatory exemptions exclude from this prohibition interests in publicly traded stock valued at $5,000 or less. *See* 18 U.S.C § 208 and 5 C.F.R. §2640.202. The Appalachian Regional Commission has not adopted any regulations that extend beyond the scope of those that apply generally to Executive Branch employees.

If a matter should come before you that could have a direct and predictable effect on your financial interests, you should promptly recuse yourself from any participation in the agency's consideration of that matter. Please notify me in the event such a matter comes before you.

If you have any questions about the applicability of the federal ethics and conflict of interest rules to the work of the Appalachian Regional Commission, please let me know. I will be happy to discuss them with you.

Sincerely,

Guy Paul Land
Designated Agency Ethics Official

1666 CONNECTICUT AVENUE, NW WASHINGTON, DC 20235 (202) 884-7660 FAX (202) 884-7693

MITCH McCONNELL
KENTUCKY

361-A RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1702
(202) 224-2541

United States Senate

COMMITTEES
RULES AND ADMINISTRATION, CHAIRMAN
AGRICULTURE
APPROPRIATIONS
CHAIRMAN, SUBCOMMITTEE ON FOREIGN OPERATIONS

April 20, 2000

The Honorable William Jefferson Clinton
President of the United States
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Dear Mr. President:

I was disappointed to learn that you have nominated Ella Wong-Rusinko to serve as Alternate Federal Co-Chair of the Appalachian Regional Commission (ARC). While I am certain that she is a competent administrator, I believe it essential that this position be filled by a native of Appalachia.

As you may know, 49 counties in the Commonwealth of Kentucky are a part of the ARC. The ARC was created in 1965, in an effort to break the cycle of poverty and economic distress which has plagued the Appalachian region for over one hundred years. These problems are not short-term or cyclical, but are a result of historic patterns of underdevelopment, geographic isolation, and out-migration. Almost without exception, the ARC partnership between the federal government and the governors of the 13 Appalachian states has been a model of administrative efficiency. States cover half of the administrative costs and provide full funding for regional offices. As the Senator who offered the successful amendment to restore ARC's funding when it was threatened with elimination in 1995, I have a strong interest in seeing ARC fulfill its mission to help free the region from the age-old grasp of poverty.

Last August, when you visited Hazard, Kentucky, you promised to help the people of Appalachia. However, I believe that your decision to nominate Ms. Rusinko, who is from Texas and is not well-versed in the needs of this region, is inconsistent with your goal. Therefore, I will strongly oppose any consideration of Ms. Rusinko's nomination, and urge you to withdraw her nomination and put forward the nomination of someone within the ARC coverage area who is more in touch with the needs and sentiments of the people of Appalachia. My office will be glad to work with you to identify a qualified candidate from the region.

Sincerely,

MITCH McCONNELL
UNITED STATES SENATOR

2721 North 24th Street
Arlington, Virginia 22207
April 26, 2000

HAND-DELIVERED

The Honorable Mitch McConnell
United States Senator
361-A Russell Senate Office Building
Washington, D. C. 20510

Dear Senator McConnell:

Pursuant to a telephone conversation which I had yesterday with Scott O'Malia of your staff, I am writing for the purpose of expanding on an April 5, 2000 introductory letter requesting the opportunity of a meeting to discuss my nomination by the President of the United States to serve as Alternate Federal Co-Chair of the Appalachian Regional Commission. In an effort to elaborate on my credentials, I am pleased to provide additional information for your consideration fully aware of your recent public position.

As my resume indicates, I have twenty-nine years of executive and legislative federal government experience. My commitment to public service is embodied in the principle of providing equal opportunity to people and to the communities in which they reside. I am especially concerned for those that lack the economic and educational resources which many of us have realized through tangible opportunities. Some areas of the country and their residents are constrained by a sheer lack of access and local capacity. I believe this is true of the Nation's distressed areas and of the Appalachian Region, in particular the counties of Eastern Kentucky.

Advances in technology and telecommunications have posed new challenges for our children and the places they call home. Many American communities struggle to provide essential services that include quality-of-life, sustainable economies. The new economy is globally competitive and the opportunities are greater. However, so are the barriers especially for those communities diligently working toward meeting basic living needs, such as water, roads, schools, and jobs. Many areas of the Nation are out of the economic mainstream profile: high need counties of the Appalachian Region, localities along the U. S. Mexico Border, remote areas of Alaska, pockets of severe poverty in large cities like Los Angeles, lesser populated tracts of Mid-Western states, and Native-American tribal units.

My view is that the strength of this country in a world economy is derived from the ability of our communities to compete in a communications-oriented environment. Because the U. S. economy is presently doing well, we have a unique opportunity: To make a real impact faster by strategically focusing resources on the distressed areas of the country through state, federal, and private-sector partnerships. I believe that collaborative, consensus, and non-partisan partnerships assure tangible opportunities and lasting outcomes.

America is rich in new, untapped markets. Through many worthwhile federal, state and local programs, we are making a difference and creating concrete opportunities. Thanks to the

unique, seven-year opportunity that this Administration has afford me, I continue to learn about economic development in distressed areas and the unparalleled achievements and strains of some of the Nation's distressed communities. I have observed that:

- Economic development is a local, evolving, and long-term process which results in a quality of life environment that generates jobs through community and private sector partnerships.
- Traditional economic development investments are critical to communities, especially to those that lag behind more prosperous areas.
- All communities have unique developmental needs and no easy formula exists to achieve or sustain economic resilience.
- Successful economic development begins with planning, builds consensus and culminates in the strategic use of local resources.
- Worldwide technological advances have brought about a new set of challenges for economically fragile communities, as they seek to achieve global competitiveness.

In securing a Presidential nomination to serve as Alternate Federal Co-Chair of the Appalachian Regional Commission, I would bring to the position a strong background in federal economic development policy and intergovernmental relations. I would like the opportunity to contribute to the Commission's work, especially in its current efforts to develop an enhanced program for Appalachia's most distressed counties and its pioneering initiative to foster entrepreneurship across the region. I believe my work experience and credentials would provide a complementary dynamic in helping the Commission achieve its goals and objectives.

On a personal note, my parents, both legal immigrants to this country, were raised in highly rural areas of their native countries, China and Mexico. They came to the United States to work and create opportunities that were not available to them in their native countries. They had a vision for their children accomplished through a very exceptional partnership and a set of plans. That vision was to pave a road of opportunity for their four children with a foundation made up of love of God, love of family, love of country and respect and understanding for your fellow man. That road of opportunity began with an education and hard work for them and for us. We have tried to live up to their standards and like them have had to work exceptionally harder and overcome many obstacles.

In closing, I extend my appreciation to Scott O'Malia for the courtesies he has extended to me in my current position. I appreciate your attention to this matter and remain,

Respectfully,

Ella Wong-Rusinko

Ella Wong-Rusinko

THE WHITE HOUSE
WASHINGTON

June 15, 2000

The Honorable Mitch McConnell
361-A Russell Senate Office Building
Washington, DC 20510-1702

Dear Senator McConnell:

The President has asked me to respond to your letter of April 20, 2000 concerning the nomination of Ella Wong-Rusinko to serve as Alternate Federal Co-Chair of the Appalachian Regional Commission. The Administration is committed to appointing highly qualified, experienced individuals to leadership positions, and the President strongly believes Ms. Wong-Rusinko's nomination fits this standard.

Your effort in Congress on behalf of the American worker, children, seniors, agriculture and your support for the Appalachian Regional Commission, are enhancing the quality of life in the Appalachian Regional and the state of Kentucky. In particular, the President was pleased to have signed into law on May 18, 2000, your bill, the Worker Economic Opportunity Act (Public Law 106-202), which will allow Americans to share in the financial success of companies.

Throughout his Administration, the President has focused on the needs of the American people and those parts of the country, such as Appalachia, that have not fully participated in the remarkable economic expansion of the past seven years. Our New Markets proposal, the Empowerment Zone/Enterprise Community program, the brownfields initiative, and our emphasis in e-commerce and the digital divide are all designed to help American communities, such as those of Appalachia, overcome historic patterns of under-development and economic distress.

Many communities have made substantial progress in recent years, but there is still much to be done to ensure that Appalachia participates fully in the robust American economy. Under the leadership of Jesse White, the ARC has made great strides in expanding the economic capacity of the region, targeting its resources to those areas of greatest need, and reaching out to the private and non-profit sectors for collaboration.

Ms. Wong-Rusinko's experience and expertise will significantly strengthen the agency's ability to serve the needs of Appalachia. She brings to the position a strong background in economic development policy. Ms. Wong-Rusinko was highly instrumental in the 1998 landmark reauthorization of the Economic Development Administration, working for five-years on both content and legislative strategy that included close collaboration with the Appalachian Regional Commission, the Congress and within the Administration. She is a committed public servant experienced in promoting partnerships, enhancing the efficiently of agency programs, improving client-customer relationships, and fostering technology-led economics development in the Nation's distressed areas. Technology-led economic development begins with planning and results in the transition of distressed communities to sustainable, globally competitive area. Her experience with distressed areas, coupled with her own personal family history, will enhance ARC's efforts to help Appalachia's people compete in the new economy.

If you have not already done so, you may wish to meet with Ms. Wong-Rusinko to discuss her accomplishments and views on economic development.

Sincerely,

Bob J. Nash
Assistant to the President and
Director of Presidential Personnel

STATEMENT OF ARTHUR C. CAMPBELL, NOMINATED BY THE PRESIDENT TO BE ASSISTANT SECRETARY FOR ECONOMIC DEVELOPMENT, DEPARTMENT OF COMMERCE

To Chairman Smith, Ranking Member Baucus, other honorable members, and ladies and gentlemen, I come before you today aspiring to assume stewardship of the Economic Development Administration (EDA), a Federal agency whose primary mission is to assist in the development of economically distressed areas of this country, both rural and urban. I am fortunate to arrive here now after the historic 1998 five-year reauthorization of EDA, a time frame that allows a realistic approach to the important work EDA has been assigned.

I anticipate my duties with sobering respect for EDA's mission and the challenges to fulfilling it. I have a deep appreciation of EDA's 35-year history of improving the economic conditions of areas that have not thrived as well as the rest of America. Although a relatively small agency, EDA's impact is magnified by the Congressionally-granted flexibility to administer its programs in a way that is both responsive and sensitive to the realities of working with a wide range of local conditions throughout the country. This flexibility allows engagement of local leadership in a shared, interactive, and more cost-effective approach to economic development planning and implementation.

I am a product of both the Old South and the New South—the Old South of racial segregation, of cotton as king, of widespread abject poverty, of the disenfranchisement of blacks; and the New South of progress and optimism, of revitalization and renewal, of a commitment to redress historical mistakes. Those two opposing environments have shaped and influenced me, and have convinced me of a need for reconciliation in human affairs and a need to improve the fundamentals in economic affairs.

Neither I, nor my cohorts, would have dreamed of this occasion unfolding here today in this chamber—that a black boy from rural Alabama, a student in the sixties, could grow to manhood and be nominated by the President of the United States to head an important agency of our government. What those of my generation would never have imagined, my children's generation now expects. So I am thankful today that the great arc of our American democracy is forever bending toward justice, and that our collective actions have helped to change the expectations of a generation.

I am thankful for this appointment by President Clinton whom I first met when he was a young 31 year old Attorney General, aspiring to be governor of Arkansas. The occasion for that meeting, to my amazement, was his offer to help to redress certain roadblocks to my efforts to develop the economy of the predominantly black town of Madison, Arkansas. Mr. Clinton's interest in distressed areas has abided these many years.

I would not be here today were it not for the supportive actions of families, countless colleagues and friends. Mr. Chairman, I am convinced that heaven is a little brighter this morning from the high voltage smiles of my deceased parents Johnnie Mae Burks Campbell and Patrick Henry Campbell as they witness these proceedings.

I have been sustained by the unconditional love of my wife of 33 years, Gwyndolyn McZeek Campbell, who is this morning absent in body but present in spirit. As Gwyndolyn and I have nurtured our three children, Erika, Nedra and Nicholas to adulthood, we have, in-turn, been nurtured by the character of their unfolding lives, their level-headedness, and their educational attainment: two attorneys well, some might quibble about whether being a lawyer is "educational attainment" and one accountant. Nedra put aside the lawyer's daily quest for billable hours to come here today from Detroit.

The great narrative of America, I think, in a basic way, is about people and places, and how both serve to create opportunity, freedom and the realization of hopes and dreams. It is also about families and how they create rewarding personal lives and hospitable and nurturing communities in which to live.

I view EDA as not just the repository of yet another set of government programs, but as an instrument with which to "create a more perfect union" by promoting the general welfare of sectors and areas of the country which have not prospered economically.

Restoring in some places, expanding in others, opportunity for a more gainful life is the high calling of the Economic Development Administration. I believe government exists to help fulfill the ideals promised by our constitution. Government's role is to help people help themselves, to help communities afford its citizens opportunity to afford decent housing, earn a living, educate their children, and obtain affordable health care.

EDA's legislative mandate is to help people and places experiencing substantial and persistent unemployment in the most economically distressed places. It has

steadfastly implemented this mission for 35 years. I believe that the legislative mandates and expressed intents of the Congress must continue to guide the agency's work. We must be innovative in conducting EDA's business, yet prudent and responsible in fiscal matters. One does not negate the other.

EDA, and government generally, should facilitate public/private partnerships which produce locally-led economic development strategies. The experience of the Empowerment Zone/ Enterprise Community program demonstrates that communities that incorporate specific measurable benchmarks in their strategic plans to produce a believable vision of their future are more successful in the implementation of their plans.

Economic development is not just an issue of money. Greater collaboration among Federal agencies can provide more efficient and cost-effective assistance to local communities. This is especially necessary in areas seeking to adjust their local economies to: trade related downturns, military base closings, persistent and intractable poverty, dramatic out-migration and job loss, and environmentally triggered economic changes. In these instances, holistic strategies requiring a variety of resources are needed in addition to the need to fund specific projects.

Similarly, more sub-state regional collaboration on economic development planning is needed to produce clusters of economic ventures, which might attain more scale and viability with greater benefits to the participating communities. It is important to not only build incubators or industrial parks, but to also promote environments that foster entrepreneurship and market development. I do not believe that "if you build it they will . . ." necessarily come.

Education is the cornerstone of economic development. People can be viewed as assets or liabilities. We must see them as assets. Sustained economic growth depends upon creating a well-educated population and the opportunities for them to be productive. Therefore, it is important to link education to economic development.

Too often the term "economic development" is interpreted as doing things to solely create jobs. Economic development is building institutional and leadership capacity to create economic improvement over time. Job creation alone is not economic development.

Investments should follow sound planning by a broad-based cross-section of the local public and private sectors, and not just follow the economic development vision of outside consultants. Strategic planning that draws upon the ingenuity and vision of local people from the public and private sectors is a necessary precondition of successful economic development.

A concerted effort should be made to improve economic opportunity in areas experiencing persistent poverty. Persistent poverty is a major obstacle to equitable economic development. Poverty exists in many urban centers, but is often more severe in distressed rural areas. Some 540 predominantly rural counties have poverty rates of 20% or higher. Approximately 200 of these have poverty rates of 30% or higher.

Noted labor economists argue that restoring broadly-shared prosperity is the number one economic challenge that we face as a country. Ray Marshall, former Secretary of Labor, says that the population distribution by income when plotted on a graph today looks more like an hourglass, with a shrinking middle and a larger bottom and top. In the not-so-distant past; it used to look more like a diamond, with a larger middle and a small top and bottom.

We have in America today a combination of a powerful and peaceful military, a democratic and stable government, and a strong and vigorous economy. Yet, in the midst of this plenty, we have people and places that have been left out and left behind. I believe that a challenge facing EDA and the country at large is to act in ways to provide more equal and equitable economic outcomes. Economic equity is a public good. Society is more stable and stronger when its people are able to fulfill their basic human aspirations. I believe that economic development that produces broadly-shared prosperity is in the public interest, and that achievement of such prosperity is a public purpose.

My hope is that EDA's value will not just be in the projects that it funds or the planning that it does, but that the projects and planning are done in a way that expands the vision and hope of people of distressed areas and communities. My hope is that the agency's investments be driven by local vision and control, local ingenuity and imagination. I am convinced that when we engender hope and enable those who hope to act on their dreams, we produce a much more precious commodity than any governmental program alone.

Finally, I think that what made us strong as a nation was the spirit of cooperation, of civic participation, of communal togetherness, of a widespread commitment to create the common good and a strong belief that we could achieve it. This spirit must be brought to the economic development process. I would lead this agency guided by a firm conviction that all people possess a certain genius, and would act

to unleash the creativity of the agency's employees and engender the imagination of its customers.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to Honorable Bob Smith, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

Name of Nominee: Arthur C. Campbell

Business Address: USDA/RD

1400 Independence Ave.,SW, Washington, D.C. 20250

Business Phone: (202) 720-6653

Home Address: 4839 W. Braddock Rd., Apt. 101

Alexandria, VA 22311

Home Phone: (703) 379-6819

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Campbell, Arthur C
(Last) (First) (Middle)

Position to which nominated: Assistant Secretary for Economic Development, Dept. of Commerce

Date of Nomination: March 21, 2000

Date of birth: 04/11/45 (Day) (Month) (Year) **Place of birth:** Waugh, Alabama

Marital status: Married **Full name of spouse:** Gwendolyn McZeek Campbell

Name and ages of children:

Erika Campbell-Harris	30
Nedra Denise Campbell	27
Nicholas Carlyle Campbell	26

Education:

Institution	Dates attended	Degrees received	Dates of degrees
Georgia Inst. of Technology	1967-1970	M.C.P.	1970
Tuskegee Institute	1962-1966	B.S.	1966

Employment record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

Deputy Undersecretary for Rural Development, U.S. Department of Agriculture; Washington D.C.; March 1995-Present. As Senior Executive appointee, provide departmental leadership for rural economic and community development.

County Commissioner, Hamilton County Tennessee Board of Commissioners, Chattanooga, August 1993-July 1995. Served as elected representative of 32,000 population district of

Hamilton County, Tennessee.

Owner, ACC Development, Chattanooga. October 1986-March 1995. Established and operated a planning, consulting and development business specializing in community revitalization, economic development, housing market research and real estate development.

Program Director, Local Initiatives Support Corporation(LISC), November 1981-October 1986 Established and directed southeastern LISC program to invest corporate and foundation resources into community economic development ventures.

President, ER Enterprises, Miami, Florida, March 1981-November 1981. Established a company to develop market rate housing as a subsidiary of E.R. Enterprises, a Puerto Rico-based real estate development company.

Southeast Area Director, Farmers Home Administration(FmHA), Washington, D.C. April 1978-January 1981. Directed and managed a multi-billion dollar loan, grant and technical assistance program In eight southeastern states through the efforts of 300 field offices and 1,200 employees.

Southeast Regional Director, Housing Assistance Council(HAC), Atlanta June 1973-April 1978. Established and directed the southeast office of HAC, a national non-profit rural housing development organization.

Director of Housing and Planning, Southern Regional Council(SRC), June 1969-June 1973 Directed research and action program to promote affordable housing development.

Planner, Rust Engineering Company, Birmingham, Alabama, June 1966-August 1967. Critical path planning of paper mills and chemical plant construction projects.

Honors and awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

Presidential Transition Team for President-Elect Clinton, December 1992-January 1993

Federal Senior Executive Service, 1979-1981; 1995-Present

White House Delegate-Habitat II Conference on Human Settlements, Istanbul, Turkey, July 1996

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
The Rural School and Community Trust	Nominating Comm. Chair	Aug. 1999-Present
Housing Assistance Council	Chair Board; and Loan Committee	1990-1995
Tennessee Aquarium Plaza Committee	Member	1990-1994
Chattanooga Boys Club	Director	1986-1988
Natl. Rural Housing Coalition	Vice Chair	1981-1983
Paidea Committee	Member	1989-1994

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

I am presently Deputy Under Secretary of Rural Development at the U.S. Department of

Qualifications—continued

Agriculture. I have formulated and implemented rural community and economic development Policy for the Department. I previously worked for nine years as a private businessman, served as an elected county commissioner in Chattanooga, Tennessee, and have run several organi-

zations which promote rural economic and community development. I directed and managed the preparation of rural development strategic plans for all fifty states to guide the spending of USDA Rural Development resources. I wrote a rural policy report based upon consultations with local, regional and national leaders in rural economic development. I organized with the Department of Treasury, the NADBank Community Adjustment and Investment Program to provide financing and technical assistance to areas adversely impacted by the NAFTA. I have spoken to a wide array of audiences across the country, in conferences, on television and radio about community economic development issues.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Yes.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

No.

3. Has anybody made a commitment to you for a job after you leave government?

No

4. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

NA

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

None

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

I was a Schedule C employee in President Jimmy Carter's Administration and left the post when I was not retained by the incoming President Reagan's Administration.

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

None

2. Are any assets pledged?

No

3. Are you currently a party to any legal action?

No

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes

5. Has the Internal Revenue Service ever audited your Federal tax return? if so, what resulted from the audit?

No

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest: dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

None

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

Not applicable

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For

this purpose, you may utilize a statement by the relevant agency Ethics Officer.

See statement attached

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

Served on Transition Team for President-Elect Clinton from early December, 1992 through mid-January 1993.

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

Article, "The Delta Compact Seeks Collaboration for Change", Rural Voices, Spring 2000

Article, "The State of Rural Housing", HAC Information, February 1995

Article, "Ten Steps Toward Successful Community-Based Revitalization", Southern Communities, March/April 1989

Pamphlet, Black Business and Economic Development-Steps Toward Economic Emancipation, ACC Development Publications, October 1986

Article, "Rural New Towns" , South Today, 1969

Additional

Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

Additional matters—continued

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes.

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No.

AFFIDAVIT

) ss, being duly sworn, hereby states that he/she has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 10 day of April 2000

Notary Public 3/31/02

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STATEMENT OF JAMES V. AIDALA, NOMINATED BY THE PRESIDENT TO BE ASSISTANT ADMINISTRATOR FOR PREVENTION, PESTICIDES AND TOXIC SUBSTANCES, ENVIRONMENTAL PROTECTION AGENCY

Good Morning, Mr. Chairman and Members of the committee. I'm pleased to have the opportunity to appear before this committee. Today I'm seeking your confirmation to serve as Assistant Administrator for Prevention, Pesticides and Toxic Substances at EPA. It's an honor to have the opportunity to continue the important environmental and public health accomplishments launched by this Administration. I'm also looking forward to the opportunity to work with the committee on a bipartisan basis.

If confirmed as an Assistant Administrator, I am committed to building on our success in implementing our Nation's pesticide and toxic chemical laws to protect public health and the environment. Often in the contentious field of pesticide and

chemical regulation, where we routinely deal with tough decisions that directly affect consumers, farmers, chemical producers, and so many others, it is imperative that we advance our work with everyone involved. Since I have been a deputy in the Office of Prevention, Pesticides and Toxic Substances for 7 years now, I believe I am uniquely qualified to bring the different parties together to find sensible solutions that further environmental and public health protection.

My professional career has predominately focused on the issues relevant to this job—pesticide and chemical regulation and protection of public health. In 1975, I started at EPA as a GS-4 summer intern in the pesticide program. Before my present position, the majority of my professional career has been spent in a variety of jobs on Capitol Hill. These positions included working for Senator Charles Percy of Illinois, Congressman Mike Synar from Oklahoma, and the Congressional Research Service. During the course of my career, I have learned many valuable lessons about how to balance competing interests especially where intense feelings and perspectives are involved. For example, I worked extensively on the 1988 and 1996 amendments to our pesticide laws, and while these legislative issues were contentious, the amendments were enacted with widespread bipartisan support.

In my current position as a deputy in the Office of Prevention, Pesticides and Toxic Substances, I have helped to manage and direct a staff of approximately 1,450 employees with a budget exceeding $225 million. Our key role is to manage and implement the Nation's pesticide and chemical regulatory programs.

I would like to mention a few of the key accomplishments over the last 7 years, which I am proud to have been a part of. They include:

Enacting the Food Quality Protection Act to bring stronger protections for infant and children regarding pesticide residues in their diet; Strengthening occupational protections for farm workers;

Expediting review of new and safer pesticides; Creating the Pesticide Environment Stewardship Program to partner with farmers and others to promote use of Integrated Pests Management (IPM) and safer pesticides;

Increasing the public's right to know by expanding the Toxic Release Inventory; and,

Creating the High Production Volume (HPV) Chemical Challenge program to increase chemical safety and health information.

It has been my goal to find common ground by bringing relevant stakeholders together and develop workable solutions. I believe that my efforts and successes are appreciated by our stakeholders. While it is late in this Administration, serving as Assistant Administrator presents many positive opportunities. Important work remains. This year alone we face an ambitious agenda, with much more to accomplish.

Specifically, this year we will continue the important work of the Food Quality Protection Act. Our priorities include completing review of the organophosphates, continuing to refine the FQPA science policies, and enhancing public participation by establishing a new advisory committee on FQPA implementation. While pesticide decisions will always invite close scrutiny, I am committed to ensuring that our decisions continue be based on the best science, continue to extensively involve our customers, and continue to occur in an open and participatory process.

In our Office of Pollution Prevention and Toxics, where we implement the Toxic Substances Control Act (TSCA), we are reinvigorating chemical regulation through voluntary partnerships to increase the public's right to know about the safety of chemicals. EPA, in cooperation with the chemical industry and advocacy groups, is implementing the High Production Volume Chemical Challenge. This voluntary program requires manufactures to generate basic health and safety data, and make it available to EPA and the public.

Also in our office, we implement the Agency's pollution prevention and lead programs. This Administration has made significant progress to increase awareness and combat childhood poisonings from lead-based paint. However, much more remains to be done. We must enhance our efforts to increase the awareness about lead-based paint hazards, and continue progress on the necessary lead regulations necessary to protect children from lead exposure.

In the area of pollution prevention, I'm committed to continue a variety of initiatives underway with industry, consumer groups and others, to achieve voluntary reductions in risks associated with the use of chemicals, and to promote more sustainable technologies. During my tenure as an Assistant Administrator, I will continue to develop voluntary and innovative partnerships with the chemical industry, consumer groups, and others to expand the public's right to know about potential chemical hazards in the environment.

I would like to close on a personal note. All four of my Grandparents emigrated to America through Ellis Island, and I was raised in a relatively austere household. Both of my parents dropped out of high school to make ends meet during the Great

Depression. Fortunately, with some luck, some brains, and some student loans, I was able to attend some of the Nation's leading universities. From there, I have been fortunate to be able to devote my career to public service and environmental protection. For me, serving in this position will provide an opportunity to give back some of what society has afforded me.

I look forward to working with the Congress as we move forward on finding better solutions to today's environmental and public health challenges. Thank you for the opportunity to appear before you today. I'll be glad to answer any questions you may have.

RESPONSES BY JAMES V. AIDALA TO ADDITIONAL QUESTIONS FROM SENATOR SMITH

Question 1. As the Assistant Administrator for Toxic Substances at the Environmental Protection Agency, with oversight of all pesticide and industrial chemical toxicity testing, what will you do to prioritize Agency funds and other resources toward the research, development, validation and implementation of non-animal test methods into the programs you oversee?

Response. The Office of Prevention, Pesticides, and Toxic Substances (OPPTS) is working closely with EPA's Office of Research and Development (ORD), and with other Federal agencies including the National Institute for Environmental Health Sciences (NIEHS) (which has been designated by Congress as the Federal Government's lead agency for alternative testing methods development) and the National Toxicology Program, to address the validation of alternative, nonanimal test methods.

EPA has prepared an Interagency Agreement (JAG) with NIEHS in which EPA commits to provide $250,000 this fiscal year, and an additional $250,000 in fiscal year 2001, for alternative test method development. EPA and NIEHS are sponsoring a workshop this Fall under the auspices of the Interagency Coordinating Committee on Validation of Alternative Methods (ICCVAM), to address the validation status of various alternative non-animal test methods for predicting acute toxicity. The funds committed through the IAG will be used to fund research on and validation of the most promising techniques. In addition, the Office of Science Coordination and Policy within the Of lice of Prevention, Pesticides, and Toxic Substances is examining making available additional funds to support future workshops on alternative test method development and validation.

Question 2. In 1999, the EPA invested approximately $70,000 into a rapid, cost-effective, humane test method, commonly referred to as the High Throughput Pre-Screen (HTPS). It is my understanding that Congress appropriated significant funds for the research and development of the HTPS for incorporation into the Endocrine Disruptor Screening Program.

Why has EPA discontinued consideration of this promising method?

Response. The results of the Agency's $70,000 feasibility demonstration study of the HTPS process were deemed unreliable following external scientific peer review by a joint committee of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel and the EPA Science Advisory Board. Nonetheless, EPA continues to evaluate other methodologies to screen and prioritize chemicals under the EDSP. At this time, it appears that similar information can be more efficiently derived from computer simulation models that predict endocrine activity from the molecular structure of chemicals. The Agency is actively pursuing development of these models including their validation using non-animal receptor binding assays.

The proposed use of a Quantitative Structure Activity Relationship (QSAR) computer simulation approach in lieu of HTPS was well received at a June 2000 public workshop on endocrine disrupter priority setting. The workshop included representatives from industry, state government, and public health, environmental, and animal welfare groups. The Agency is continuing to develop several alternative non-animal in vitro screening assays using conventional bench methods.

Question 3. Where is the remainder of the appropriation?

Response. The $70,000 appropriation for the feasibility demonstration study of HTPS has been expended. No other funds were specifically appropriated for use in the development of the HTPS.

The balance of the Congressional appropriation for the Endocrine Disruptor Screening Program (EDSP) is being expended on a variety of activities. For example, a portion of the funds are being expended in support of the development and evaluation of alternative test methods, including non-animal test methods. Further, EPA continues to evaluate the potential usefulness of the HTPS as well as other methodologies to screen and prioritize chemicals under the EDSP. A significant portion

of the funds are being expended for the standardization and validation of test methods being considered for use under the EDSP. Because many of the endocrine disrupter screens and tests involve cutting-edge science, few of them have actually been formally standardized or validated through inter-laboratory comparisons.

Finally, to ensure continued public participation in the development and implementation of the EDSP, EPA is supporting various workshops and will charter a new Federal Advisory Committee to address standardization and validation of EDSP screening and testing protocols.

Question 4. You may know of concerns I raised with Administrator Browner concerning the High Production Volume Chemical Testing Program. I have a copy of the October 14, 1999 agreement between the EPA, Chemical Manufacturers Association, Environmental Defense Fund and animal protection advocates. In the agreement, the EPA commits to incorporating animal protection considerations into all future EPA testing programs. What concrete efforts will you make as the Assistant Administrator for Toxic Substances to address reducing and replacing the use of animals in toxicity testing?

Response. The Agency has emphasized on numerous occasions and in various forums that it is committed to reducing the number of animals used for testing, and to replacing animals in testing with validated in vitro (non-animal) test systems when they are reasonably and practically available for use in the HPV challenge program. These goals must be balanced with the need to conduct scientifically sound chemical hazard/risk assessments in support of the Agency's mission. The October 14, 1999, letter, which was written in the specific context of the High Production Volume Challenge Program, embodies several key principles, designed to minimize the use of animals, which are applicable to the Agency's chemical information programs. The principles include: encouraging participating companies to conduct a qualitative analysis to determine if there is sufficient data, maximizing the use of existing and scientifically adequate data to minimize further testing, and encouraging the use of categories of related chemicals and structure-activity relationships. These principles are intended to reduce the absolute number of chemical substances that may need to be tested and ensure that duplicative testing is avoided.

In addition, EPA actively supports validation of alternative test methods through the Agency's role as a Co-Chair, along with the National Institute for Environmental Health Sciences (NIEHS), of the Interagency Coordinating Committee on Validation of Alternative Methods (ICCVAM)). For example, EPA recently concurred with ICCVAM that the Local Lymph Node Assay (a test for allergic contact dermatitis) and the Corrositex® method (a test to measure skin corrosivity) can be used as valid alternatives under the appropriate circumstances. These alternative test methods will reduce pain and suffering of test animals and replace animals in testing with validated non-animal test systems, respectively. In addition, as noted above, EPA is committing $500,000 over the remainder of this fiscal year and next fiscal year for research on and validation of promising alternative test methods for predicting acute toxicity. An example of EPA's efforts in the international arena is the Agency's work through the Organization for Economic Cooperation and Development (OECD) and ICCVAM to modify the Up and Down Procedure (OECD 425)—an alternative acute toxicity test which reduces the number of animals by more than 70 percent as compared to the standard LD50 test—so that it can be used to evaluate dose response relationships (which are routinely used to evaluate the toxicity of pesticide active ingredients).

RESPONSES BY JAMES V. AIDALA TO ADDITIONAL QUESTIONS FROM SENATOR GRAHAM

Question 1. I have been informed of some concerns regarding EPA's policies related to tolerance revocation for voluntarily canceled uses where the Agency has any concern about the dietary risk from the product. Specifically, in addition to approving the voluntary cancellation of uses requested by the registrant, I have been told that EPA now intends to revoke the corresponding tolerances within 180 days of canceling the specific uses. This would make any food containing such residues adulterated.

We have been advised that numerous groups have indicated to you that the premature revocation of tolerances could cause significant market disruption both domestically and internationally. They have indicated that, without the protection afforded by a tolerance, commercial buyers will be reluctant to purchase foods (including fresh and processed foods) which may have been treated with the voluntarily canceled pesticide.

I understand that in response to this concern, the EPA has referenced the "Safe Harbor" or newly termed "channels of trade" provisions of section 408(1)(5) of the

Federal Food, Drug, and Cosmetic Act. Can you describe exactly how this provision will resolve the concerns raised by agricultural interests in my state?

Response. EPA and the Food and Drug Administration (FDA) each recently published proposed policies for public comment on channels of trade. The channels of trade provision you cite in the FQPA allows marketing of food crops which were legally treated with a pesticide, even if the pesticide is subsequently canceled and its tolerances revoked. FDA recently issued guidance for public comment on how it intends to apply the channels of trade provision to crops treated with the pesticide, methyl parathion. In essence, FDA will treat domestic and imported crops the same and will make allowances for those commodities which may have methyl parathion residues past the date of tolerance revocation, such as frozen foods, to remain in trade. To minimize the burden of providing confirmation that crops were legally treated, FDA cites examples of documentation which most processors regularly maintain. FDA is considering issuing generic guidance to expand the principles of the methyl parathion decision to other pesticides. As it has with FQPA decisions, EPA will continue to work with the U.S. Department of Agriculture (USDA), FDA, and other stakeholders, including the agricultural community, to ensure that legally treated crops are not adversely affected by tolerance reassessment, and that food is allowed to be distributed through commerce.

Question 2. Vice President Gore's memorandum in 1997 recognized the need for a transition period to newer pest management tools. General statistics aside, when you cancel a use, what specific steps are taken to assure that an efficacious alternative pest management tool is immediately available prior to cancellation?

We are working closely with USDA and the agricultural community to ensure that our decisions are based on accurate information, which includes analyses of available alternatives. EPA, in cooperation with USDA, is providing a transition that works for agriculture. EPA and USDA are working to identify opportunities for reasonable transition and strategic management planning for agriculture and public health use pesticides. EPA's goal is to ensure greater protection of public health, while also ensuring that farmers have the tools necessary for food production. To address the concerns of all interested parties, EPA and USDA have established the Committee to Advise on Reassessment and Transition (CARAT), which met for the first time June 23, 2000. This committee is bringing together expertise from all perspectives, including agricultural representatives, to help guide EPA and USDA implementation of FQPA. CARAT is developing recommendations for reducing risks from older, riskier pesticides, with a focus on ensuring that farmers are provided a reasonable transition to safer pest management strategies, including chemical and non-chemical alternatives. CARAT will also discuss the process for developing strategic pest management plans for agriculture and public health uses of pesticides, and work to ensure that high priority is given to risk management strategies for pesticides most likely to lead to exposures to children. In creating CARAT, EPA and USDA reaffirm their commitment to the key principles established by the Vice President: use of sound science in protecting public health; consultation with the public and other agencies; increased transparency; and, reasonable transition for agriculture.

EPA has also developed a priority system to expedite review of applications for new pesticides to address pest control needs potentially impacted by FQPA. For instance, since organophosphate (OP) pesticides are one of the classes given priority for tolerance reassessment, the Agency has instituted a policy to give priority consideration to applications for organophosphate alternatives. Since the passage of FQPA, almost 25 OP alternatives have been identified—some completely new chemicals—and almost half of them have already been registered. For example, spinosad, tebufenozide, methoxyfenozide, and pyriproxyfen have recently been registered as OP alternatives for use on apples, a crop which has historically high OP use. In fact, along with "reduced-risk" pesticides and other prioritized pesticide registrations, hundreds of new uses are now available. Likewise, EPA gives priority to applications for new minor use pesticides, methyl bromide alternatives, and for pesticides which may help address vulnerable crop/pest combinations.

In addition to the registration process, EPA has instituted programmatic changes to facilitate transition for agriculture. For example, through its regions, the Agency initiated an Agriculture Initiative program. This Initiative, currently being piloted in four EPA regions, helps fund projects such as the gathering of use/usage data and the education of growers regarding alternative methods of pest control. The Agency also formed a Minor Use team to work more closely with minor crop growers and USDA.

Question 3. I understand that before a pesticide can be on the market, it must undergo up to 120 scientific tests required by EPA to determine human health, safe-

ty, and environmental effects. Once EPA concludes that a pesticide has met FQPA's safety standards is it EPA's belief that the pesticide is safe for use? Does this safety determination apply to all approved uses (i.e., on a farm, in schools, around the home, on a golf course, and in other locations for which the product is intended)?

Response. Yes, the decision to allow use of a pesticide means that EPA has determined that the uses specified on the label are within acceptable risk limits based on EPA's rigorous scientific review of available information. Still, those who are applying it and the public have to exercise caution and follow strict label requirements. In tolerance reassessment, FQPA specifically requires EPA to review potential risks to children, aggregate risks, and cumulative risks to ensure the pesticide meets today's more stringent scientific and regulatory standards.

Question 4. EPA-approved pesticides help protect Florida citizens from serious diseases such as malaria and encephalitis through vector-control programs. Loss of these pesticides will threaten public protection from disease-carrying mosquitoes, rodents, and cockroaches. The Food Quality Protection Act specifically directs EPA to work with FDA to ensure that public health pesticides continue to be available to prevent such disease outbreaks. What is EPA doing to ensure continued availability of these pesticides or reliable and effective alternatives in order to protect children and adults?

EPA, in coordination with the Centers for Disease Control (CDC), developed a process to consult and advise on public health uses of pesticides so that critical public health use pesticides are available. To date, this process has been used in the review of 11 pesticides. In addition, the Agency and the CDC have discussed processes to ensure availability of public health pesticides including possible fee waivers, expedited processing of applications for new public health pesticides, and a possible mechanism to coordinate development of supporting data for public health pesticides facing regulatory action.

Following passage of FQPA, EPA appointed a public health official who is charged with implementing the public health provisions of the law and serves as the point of contact for coordination with FDA, CDC, USDA and state and local public health officials. The Agency also established a public health steering committee which developed a consultative process with other Federal agencies and holds monthly coordination calls with CDC. EPA and CDC will shortly finalize a Memorandum of Understanding (MOW) to provide a framework for joint efforts and coordination. Although the MOU is not final, the two agencies have already begun many joint activities. For example, CDC and EPA have worked closely together in responding to West Nile Virus concerns and in the use of mosquito-control pesticides, and in addressing public health uses in the reassessment of OPs, such as chlorpyrifos and methyl parathion. EPA and FDA have also worked together in the review of some public health uses of malathion.

Question 5. The medical community strongly recommends a diet rich in fruits and vegetables for better nutrition and disease prevention. How would the health of the American public be affected if FQPA reduced the availability of fresh fruits and vegetables, or priced them out of reach of low-income consumers?

The American food supply is one of the safest and most abundant in the world. EPA strongly endorses the recommendations for a diet rich in fruits and vegetables. The need to maintain the variety and productivity of U.S. agriculture is very much a part of our approach. Implementation of FQPA will provide even more protection for consumers, particularly infants and children, while maintaining the availability for a wide selection of fruits and vegetables. While FQPA sets a tough health-based safety standard for pesticides, EPA is committed to balancing the provisions with the need to maintain pest control options for agriculture. EPA, in cooperation with USDA, will ensure a that a reasonable transition responsive to the needs of agricultural producers is provided to ensure that this balance is maintained.

Question 6. As you implement FQPA, it is important to involve stakeholders, including farmers, mosquito control officials and others, to make sure their information and concerns are considered. What are your goals for the new Committee to Advise on Reassessment and Transition and what do you want to see it accomplish? Will this be a permanent advisory committee or will you allow it to sunset?

Response. We are working closely with USDA and the agricultural community to ensure that our decisions are based on accurate information, which includes analyses of available alternatives. EPA, in cooperation with USDA, is providing a transition that works for agriculture. EPA and USDA are working to identify opportunities for reasonable transition and strategic management planning for agriculture and public health use pesticides. EPA's goal is to ensure greater protection of public health, while also ensuring that farmers have the tools necessary for food production. To address the concerns of all interested parties, EPA and USDA have estab-

lished the Committee to Advise on Reassessment and Transition (CARAT), which met for the first time June 23, 2000. This committee is bringing together expertise from all perspectives, including farmers, mosquito control officials, industry representatives and others, to help guide EPA and USDA implementation of FQPA. CARAT is developing recommendations for reducing risks from older, riskier pesticides, with a focus on ensuring that farmers are provided a reasonable transition to safer pest management strategies, including chemical and non-chemical alternatives. CARAT will also discuss the process for developing strategic pest management plans for agriculture and public health uses of pesticides, and work to ensure that high priority is given to risk management strategies for pesticides most likely to lead to exposures to children. In creating CARAT, EPA and USDA reaffirm their commitment to the key principles established by the Vice President: use of sound science in protecting public health; consultation with the public and other agencies; increased transparency; and, reasonable transition for agriculture.

The CARAT has been established for a 2-year term, through June 2002, and at that time EPA and USDA will determine whether to extend the committee.

Question 7. Can you describe the registration process that is underway for methyl bromide alternatives including timetables?

Response. EPA gives expedited review and top priority registration review to all potential methyl bromide alternatives. Each new application of a potential methyl bromide alternative is screened by EPA/USDA's Joint Workgroup on Methyl Bromide Alternatives. Once a submission is verified as a legitimate methyl bromide alternative, it is placed at the top of EPA's work plan for review by Agency scientists. Actions receiving expedited review are typically ready for a registration decision within 18–22 months, as opposed to non-expedited reviews which can take 32–40 months to complete. The EPA/USDA Workgroup has been actively meeting with growers, academics, university extension experts, and registrants to identify potential methyl bromide alternatives, coordinate research, and identify regulatory barriers that have to be addressed. EPA is sensitive to the importance of methyl bromide in agriculture and stands ready to work with the agricultural community to ensure that adequate pest control alternatives to methyl bromide are available.

Question 8. In your meeting with my staff you indicated that the process to identify methyl bromide alternatives and the process of FQPA implementation are handled in different divisions of EPA. I am concerned that the process to register methyl bromide alternatives may be compromised in the push to implement FQPA. Can you describe the difference between these two processes and describe how EPA is ensuring that methyl bromide alternatives identification proceeds in a timely manner?

As mentioned above, EPA has assigned highest priority to reviewing registration applications for alternatives methyl bromide. Tolerance reassessment and pesticide reregistration reviews are conducted by personnel dedicated to these separate activities. Generally, there is no conflict between the demands to review pesticide applications for methyl bromide applications and the demands posed by tolerance reassessment. Since these alternatives are the No. 1 priority, they receive expedited treatment, and are not compromised by tolerance reassessment or by any possible increase in registration review workload.

RESPONSES BY JAMES V. AIDALA TO ADDITIONAL QUESTIONS FROM SENATOR BAUCUS

Question 1. It is important that implementation of FQPA be based on the best available and reliable information. For those cases in which pesticides or their uses are canceled, what is EPA doing to help farmers identify alternative products that can be used? With regard to the cancellation of chlorpyrifos, what action is EPA taking to prevent any disruption in grain marketing?

Response. We are working closely with USDA and the agricultural community to ensure that our decisions are based on accurate information, which includes analyses of available alternatives. EPA, in cooperation with USDA, is providing a transition that works for agriculture. EPA and USDA are working to identify opportunities for reasonable transition and strategic management planning for agriculture and public health use pesticides. EPA's goal is to ensure greater protection of public health, while also ensuring that farmers have the tools necessary for food production. To address the concerns of all interested parties, EPA and USDA have established the Committee to Advise on Reassessment and Transition (CARAT), which met for the first time June 23, 2000. This committee is bringing together expertise from all perspectives, including farmers, industry representatives and others, to help guide EPA and USDA implementation of FQPA. CARAT is developing recommendations for reducing risks from older, riskier pesticides, with a focus on en-

suring that farmers are provided a reasonable transition to safer pest management strategies, including chemical and non-chemical alternatives. CARAT will also discuss the process for developing strategic pest management plans for agriculture and public health uses of pesticides, and work to ensure that high priority is given to risk management strategies for pesticides most likely to lead to exposures to children. In creating CARAT, EPA and USDA reaffirm their commitment to the key principles established by the Vice President: use of sound science in protecting public health; consultation with the public and other agencies; increased transparency; and, reasonable transition for agriculture.

EPA has developed a priority system to expedite review of applications for new pesticides to address pest control needs potentially impacted by FQPA. For instance, since organophosphate (OP) pesticides are one of the classes given priority for tolerance reassessment, the Agency has instituted a policy to give priority consideration to applications for organophosphate alternatives. Since the passage of FQPA, almost 25 OP alternatives have been identified—some completely new chemicals—and almost half of them have already been registered. For example, spinosad, tebufenozide, methoxyfenozide, and pyriproxyfen have recently been registered as OP alternatives for use on apples, a crop which has historically high OP use. In fact, along with "reduced-risk" pesticides and other prioritized pesticide registrations, hundreds of new uses are now available. Likewise, EPA gives priority to applications for new minor use pesticides, methyl bromide alternatives, and for pesticides which may help address vulnerable crop/pest combinations.

In addition to the registration process, EPA has instituted programmatic changes to facilitate transition for agriculture. For example, through its regions, the Agency initiated an Agriculture Initiative program. This Initiative, currently being piloted in four EPA regions, helps fund projects such as the gathering of use/usage data and the education of growers regarding alternative methods of pest control. The Agency also formed a Minor Use team to work more closely with minor crop growers and USDA.

Regarding your question about the use of chlorpyrifos on grains, chlorpyrifos-methyl, not chlorpyrifos, is the primary non-fumigant type treatment used to control grain pests. The registrant is voluntarily canceling the uses of this pesticide. Because this important grain-storage pesticide is being canceled, this crop/pesticide combination is now classified as a critical pest management need by EPA, and alternatives will receive prioritized pesticide registration status. Further, potential alternatives will receive priority research funding status with USDA. Also, USDA's Pesticide Management Alternative Program and its new Crops at Risk (CAR) and Risk Mitigation for Major Crop Production (RAMP) programs provide funding to seek both short- and long-term solutions to critical pest management needs like this.

Question 2. Organophosphates (OP) pesticides, which account for about 70 percent of the current market, are being reviewed under the FQPA. EPA has announced its plans to complete the review of all OPs by the end of this year. How will EPA work with USDA to find suitable replacements for any OPs that may be canceled or will no longer be available as a result of the review?

Response. EPA has developed a priority system to expedite review of applications for new pesticides to address pest control needs potentially impacted by FQPA. For instance, since organophosphate (OP) pesticides are one of the classes given priority for tolerance reassessment, the Agency has instituted a policy to give priority consideration to applications for organophosphate alternatives. Since the passage of FQPA, almost 25 OP alternatives have been identified—some completely new chemicals—and almost half of them have already been registered. For example, spinosad, tebufenozide, methoxyfenozide, and pyriproxyfen have recently been registered as OP alternatives for use on apples, a crop which has historically high OP use. In fact, along with "reduced-risk" pesticides and other prioritized pesticide registrations, hundreds of new uses are now available. Likewise, EPA gives priority to applications for new minor use pesticides, methyl bromide alternatives, and for pesticides which may help address vulnerable crop/pest combinations.

Additionally, we are working closely with USDA and the agricultural community to address the concerns of all interested parties. Again, EPA and USDA have established CARAT to bring together expertise from all perspectives to help guide EPA and USDA implementation of FQPA. In creating CARAT, EPA and USDA reaffirm our commitment to the key principles established by the Vice President: use of sound science in protecting public health; consultation with the public and other agencies; increased transparency; and, reasonable transition for agriculture.

In addition to the registration process, EPA has instituted programmatic changes to facilitate transition for agriculture. For example, through its regions, the Agency initiated an Agriculture Initiative program. This Initiative, currently being piloted in four EPA regions, helps fund projects such as the gathering of use/usage data

and the education of growers regarding alternative methods of pest control. The Agency also formed a Minor Use team to work more closely with minor crop growers and USDA.

Question 3. Please describe how EPA will work with USDA to evaluate the impact on U.S. exports and commodity prices if U.S. growers cannot use discontinued pesticides but their foreign competitors can?

Response. EPA, in cooperation with USDA, is working to ensure that there is a level playing field with our international trading partners. EPA has a policy of revoking tolerances for pesticides that are no longer registered in the U.S. This policy is based on the Agency's long-standing concern that retention of tolerances that are not necessary has the potential to allow foreign growers to continue to ship treated produce to the U.S., putting our own growers at a disadvantage. Also, FDA conducts sampling and testing of imported foods to detect potential pesticide residues. If there are detections of illegal pesticide residues the food is adulterated and seized.

EPA is working with our international trading partners to inform them of our regulatory decisions, and to help promote the use of safer alternatives. For example, throughout the past 5 years, we have been working very closely with the Canadian Pest Management Regulatory Agency (PMRA) in jointly reviewing new pesticide applications for registration, and sharing work on many other pesticides. The agencies have completed four joint reviews of reduced risk pesticides, and seven other pesticides are either being jointly reviewed or in a work share mode, with several other candidates in the pipeline.

EPA is also working to harmonize our regulatory standards among countries to help ensure that our farmers are not at a competitive disadvantage. For example, the U.S., Canada and Mexico have made a great deal of progress in pesticide regulatory harmonization as a result of work done under the North American Free Trade Agreement (NAFTA) Technical Working Group (TWO) on Pesticides. The work of the NAFTA TWO aims to develop a North American market for pesticides, and make work-sharing the way of doing business between the U.S., Canada and Mexico by the year 2002.

Question. In conducting a more rigorous, thorough scientific review of pesticides, as required by FQPA, the cost of developing the necessary data, such as actual exposure and health effects, can be considerable. For some pesticides, especially those with limited or specialty uses, the cost of those tests may outweigh the return the manufacturer receives from the product. How serious a problem is the potential discontinuation of products due to the data development costs and how would you intend to address it.

Response. EPA considers the pesticides you mention to be "minor use" crop pesticides—chemicals with limited or specialty uses. EPA is concerned about the minor use problem, and has a number of activities underway to help ensure that data development costs are considered in our data requirements. For example, EPA makes every effort to reduce or tailor data requirements to reflect the degree of exposure. Therefore, in many cases EPA has minimized data development costs.

Since FQPA passed, the Agency has worked even more closely with USDA to expedite review and register minor crop pesticide alternatives, promote research and development of new safer minor use tools, and increase dialog with the minor crop community. EPA has established a system that gives priority to products with minor crop uses for conventional pesticides. USDA's Inter Regional Project No. 4 (IR–4) has been an important ally in accelerating the registration of alternatives to minor uses, with special emphasis on reduced risk products. EPA/IR–4 partnership projects include: developing blanket tolerances for selected reduced-risk chemicals, significantly reducing review time; improving the tolerance petition format creating new crop groupings; streamlining the reduced risk justification format for minor uses; and, harmonizing registration data development with other countries. We are making significant progress to expedite registration of minor use pesticides. For example, in 1999 EPA established 32 tolerances for minor crops, and plan to review over 100 petitions on 40 active ingredients, which could result in 300 new registrations for minor crops in fiscal year 2000.

To help facilitate minor use registration efforts, EPA also created a multi-disciplinary Minor Use Team and a Public Health Steering Committee. The goals of this group are to: provide greater coordination between EPA and minor use growers prior to decisions; increase coordination with USDA, the JR–4, industry, growers, and other stakeholders to promote registration of reduced-risk pesticides for minor uses; and, encourage the development of pesticide use and residue data. The Agency also appointed a minor use ombudsman within the Of lice of Pesticide Programs who's primary responsibility is to serve as liaison and advocate for minor crop grower needs.

Through the Tolerance Reassessment Advisory Committee (TRAC), and now CARAT, EPA has increased consultation with pesticide stakeholders, including minor crop growers, encouraging comments on our implementation process and decisions. Working cooperatively with USDA, EPA has collected additional pesticide use and residue data for tolerance reassessments. USDA's National Agricultural Statistics Service and Pesticide Data Program provide statistically sound, reliable pesticide use and residue data and develop data collection based on EPA needs, which allows for better, more-informed regulatory decisions. We have also provided support to USDA's development of integrated pest management strategies. In fiscal year 2000, this includes over $10 million for pesticide alternatives programs at USDA. EPA is an active partner with USDA in selecting projects which fulfill the mission of these grants.

RESPONSES BY JAMES V. AIDALA TO ADDITIONAL QUESTIONS FROM SENATOR HUTCHISON

Bt Cotton

Question 1. What process has or will EPA employ to ensure that the reregistration decisionmaking process is transparent and timely? How has or will EPA involve growers in this process?

Response. It is EPA's goal to assure that we continue to make our regulatory decisions within an open and transparent framework, and that we are fully informed by the most recent and best available scientific information. Specifically, EPA will shortly announce our public process to reach regulatory decisions on the Bt corn and Bt cotton expiring registrations. The process will include scientific peer review and public comment of EPA's risk assessment for the Bt products.

The Agency will assure a transparent and interactive review process for its decisions and will involve all of our stakeholders—the manufacturers, the growers and the public, as we develop and implement a U.S. biotechnology program that provides the public with confidence in EPA's regulatory decisions, while providing U.S. farmers with the tools they need to continue to produce a safe and healthy food supply. This Agency is also committed to providing clear and timely information to the farming community to ensure our decisions are responsive to agricultural growing conditions.

In fact, EPA recently held meetings with each of the stakeholder groups, including grower groups, to get input on the process for considering the reregistration of Bt corn and Bt cotton. In addition, EPA met with the National Cotton Council and the National Corn Growers Association on several aspects of the registrations of these products, especially resistance management. The National Corn Growers Association and the manufacturers all played a significant role in strengthening the resistance management plans for Bt corn for the 2000 growing season and beyond that were announced in January.

Question 2. Does EPA have field data from commercial farming operations that indicates resistance is building in target insect populations that warrants changes in current refuge requirement?

Response. Fortunately, no Bt resistant insects have been found in the field. However, independent scientific experts believe that resistance could occur under certain conditions, and that the development of resistance is significantly minimized with updated refugia requirements. EPA and the manufacturers have already implemented strengthened refugia requirement for Bt corn. As part of these measures, EPA is also requiring actual field monitoring as an early warning system to prevent potential resistance. EPA, in cooperation with the cotton scientists, growers, and the manufacturers have agreed to new and improved approaches to refuge management in Bt cotton to help ensure resistance does not develop.

Question 3. What economic analysis has EPA completed to determine an economic threshold for these products in regards to refugia options?

Response. An economic analysis to determine an economic threshold for these products in regards to refugia options is not necessary. By way of background, economic thresholds determine when it is appropriate to use a pesticide so that such use provides the farmer a benefit at or above the cost of the treatment. Refugia are established to help prevent resistance to Bt, and are not directly related to economic thresholds. Therefore, there is not an economic threshold per se in establishing a refuge. Preserving the effectiveness of Bt is critical to maintaining this important technology.

Question 4. Would EPA propose new refuge requirements that have not been extensively field tested by commercial farmers? What communications has EPA had with growers to determine the feasibility of such proposals?

Response. Academic, USDA, EPA, and industry scientists have been working on resistance management for the Bt crops since the development for these products. Scientific testing to strengthen existing refugia and developing new refugia options has been ongoing. New refugia options are typically tried on a small scale, and then tested further on a larger scale. Any new refugia options are discussed extensively with EPA, USDA, growers, and the manufacturers. Depending on the scientific results to prevent resistance and their practicality, are incorporated as necessary into agricultural growing practices.

EPA has met frequently with the National Cotton Council, the National Corn Growers Association, and the National Potato Council to gain their perspective on resistance management, and to ensure the ongoing resistance management requirements are practical for growers to implement. As we move forward to review the expiring registrations for Bt corn and Bt cotton, we are establishing an extensive open and transparent process to provide input into our decisions. We encourage our stakeholders to comment in writing and in public when we hold public meetings, including meetings with our Scientific Advisory Panel meetings. We have also participated in meetings held by these grower organizations and visited field sites to specifically discuss resistance management with growers.

Question 5. The registration of Bt cotton product expires with the current crop. When can farmers expect to learn what rules will apply to use of Bt cotton for the 2001 crop year?

Response. EPA will shortly issue a Federal Register notice which will describe the process for consideration of the expiring Bt crop registrations. EPA is planning on using a process which will invite public participation from all interested parties, including farmers and grower groups. This process will include review of EPA's risk assessment by the FIFRA Scientific Advisory Panel as well as technical briefings. Farmers and all other interested parties will be invited to participate and comment on the draft risk assessment and risk management decisions for Bt crops. The Agency is sensitive to the seasonal planning needs of farmers, and will ensure that decisions on any new requirements, or other information critical to growers, are announced well in advance of the 2001 growing season.

UNITED STATES SENATE

COMMITTEE ON ENVIRONMENT
AND PUBLIC WORKS

ROOM 410 DIRKSEN BUILDING WASHINGTON, DC 20510

INFORMATION

REQUESTED OF PRESIDENTIAL NOMINEES

In order to assist the Committee in its consideration of nominations, each nominee is requested to complete the attached Statement For Completion By Presidential Nominees. The Statement is intended to be publicly available. In the event that a nominee asks that a specific answer be kept confidential, he or she should notify the Chairman and Ranking Member.

The original and forty (40) copies of the requested information should be made available to Honorable Bob Smith, Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC 20510 (Attn: Staff Director) as soon as possible.

Name of Nominee:	James V. Aidala, Jr.
Business Address:	U.S. Environmental Protection Agency 1200 Pennsylvania Ave. NW Washington, DC 20460
Business Phone:	202-260-2897
Home Address:	6278 Gentle Lane Alexandria, VA 22310
Home Phone:	703-960-5032

UNITED STATES SENATE
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
STATEMENT FOR COMPLETION BY PRESIDENTIAL NOMINEES

Name: Aidala, Jr. (Last) James (First) Vincent (Middle)

Position to which nominated: Assistant Administrator for Prevention, Pesticides and Toxic Substances

Date of Nomination: March 6, 2000

Date of birth: 09 Nov. 1954 (Day) (Month) (Year) **Place of birth:** Akron, Ohio

Marital status: Married **Full name of spouse:** Abby Payson Dilley

Name and ages of children: Samuel Age 2

Education:

1972-73 Massachusetts Institute of Technology, Cambridge, MA

1973-76 Brown University, Providence, RI
awarded B.A. and M.A. in Sociology

1976-79 Harvard University, Cambridge, MA
Sociology Department
completed doctoral qualifiers, 1979
dissertation never completed

Employment record:

List all positions held since college, including the title and description of job, name of employer, location, and dates. If you were terminated involuntarily from any position(s), please note the circumstances.

1993- present: U.S. Environmental Protection Agency (EPA). Associate Assistant Administrator for Prevention, Pesticides, and Toxic Substances (OPPTS). OPPTS responsibilities include implementing the nation's pesticide, toxic substances, right-to-know, and pollution prevention laws. This position is the "political deputy" in the office which supervises approximately 1500 positions with a budget of over $230 million.

1990-1993: U.S. House of Representatives, Committee on Government Operations, Subcommittee on Environment, Energy, and Natural Resources (Chairman: Mike Synar, D-OK). Professional Staff Member, with responsibilities for oversight of EPA implementation of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA). Other subject expertise required included risk assessment, program management, regulation development, food safety, pesticide exports, and impacts of regulatory reform.

1990-1991: Henry Wallace Institute for Alternative Agriculture. Director of Policy Development. Responsibility for sustainable development policies to be included in 1990 Farm Bill, as well as representing the Institute's interests before Congress and Executive branch agencies.

1983-1990: Congressional Research Service, U.S. Library of Congress. Specialist in Environmental Policy, with responsibilities to provide analytical support to Congress in matters concerning pesticide and chemical regulation (FIFRA and TSCA). Served as lead analyst for all Congressional efforts to amend FIFRA, including the 1986 compromise package, the 1988 reregistration amendments, and food safety reform proposals. Areas of expertise included general environmental policy, right-to-know legislation, and the regulation of biotechnology products.

1981-1982*: U.S. Senate, Committee on Governmental Affairs, Subcommittee on Energy, Nuclear Proliferation, and Government Processes (Chairman, Charles Percy, R-IL). Professional Staff Member, with subject area responsibilities for environmental issues, nuclear energy, and surface mining.

1979-1981: U.S. Environmental Protection Agency (EPA), Office of the Assistant Administrator for Pesticides and Toxic Substances. Program Analyst, with responsibilities for policy analysis of Agency programs regulating pesticide and chemical use.

1981-1990: Capitol Steps, musical political satire group. Founding member and manager as Technical Director.

* Involuntary separation: in 1982, the Senate Energy Subcommittee had a greatly reduced budget, and my position was eliminated.

Honors and awards:

List significant scholarships, fellowships, honorary degrees, military medals, honorary society memberships, and any other special recognitions for outstanding service or achievement.

1976: Magna Cum Laude and Phi Beta Kappa, Brown University

1976: Awarded National Science Foundation Fellowship to pursue graduate studies at Harvard University

Memberships:

List significant memberships and offices held in professional, fraternal, business, scholarly, civic, charitable and other organizations.

Organization	Office held (if any)	Dates
[none]		

Qualifications:

State fully your qualifications to serve in the position to which you have been named.

Since 1993 I have been the Associate Assistant Administrator of the Office of Prevention, Pesticides, and Toxic Substances(OPPTS), which I have been nominated to head.

In this position I have had major responsibilities for managing the work and activities of OPPTS, which includes approximately 1500 employees and a budget of over $230 million. Major accomplishments of the office include: enactment and implementation of the Food Quality Protection Act, the issuance of farmworker protection regulations, enhancements to especially protect children added to the risk assessment process used to evaluate pesticides, greatly expanding communities' right to know about toxic chemical emissions, implementation of regulatory provisions to reduce childhood lead poisoning, and initiation of the voluntary chemical testing program for over 2000 chemicals by over 400 chemical companies.

In addition to that direct experience, I have been involved in the subject matter areas which are the responsibility of OPPTS in a variety of different positions and working for a variety of different organizations for over twenty years. These have included working in both the U.S. House of Representatives and the U.S. Senate in positions which included oversight responsibilities for OPPTS programs at EPA. It has also included working for the Library of Congress, Congressional Research Service, as the subject area specialist covering pesticides and toxic chemical issues. In those capacities I have been closely involved with every major legislative debate concerning pesticides and toxic chemicals since the early 1980's.

In summary, my extensive environmental policy experience, past management positions, and strong commitment to public service provide the required qualifications to carry out the role of Assistant Administrator.

Future employment relationships:

1. Indicate whether you will sever all connections with your present employer, business firm, association or organization if you are confirmed by the Senate.

Since I currently work at EPA, I would not be severing ties to my "present employer," though I would be joining it in a new capacity.

2. As far as can be foreseen, state whether you have any plans after completing government service to resume employment, affiliation or practice with your current or any previous employer, business firm, association or organization.

None.

3. Has anybody made a commitment to you for a job after you leave government?

No.

3. (a) If you have been appointed for a fixed term, do you expect to serve the full term?

N/A

(b) If you have been appointed for an indefinite term, do you have any known limitations on your willingness or ability to serve for the foreseeable future?

No

(c) If you have previously held any Schedule C or other appointive position in the Executive branch, irrespective of whether the position required Congressional confirmation, please state the circumstances of your departure and its timing.

I have held the Associate Assistant Administrator in OPPTS since 1993, and would be leaving it only to assume the job of Assistant Administrator.

Financial Statement:

Note: The Office of Government Ethics will provide the Committee with a copy of your Executive Personnel Financial Disclosure Report (SF-278).

1. List sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services and firm memberships or from former employers, clients, and customers. Amounts should be indicated by the categories established for reporting income on Form SF-278, Schedule A.

Royalty income from the Capitol Steps, a musical political satire group in Alexandria, VA. This is an annual payment in the amount of $15,000 - $50,000.

2. Are any assets pledged?

No.

3. Are you currently a party to any legal action?

No.

4. Have you filed a Federal income tax return for each of the last 10 years? If not, please explain the circumstances.

Yes.

5. Has the Internal Revenue Service ever audited your Federal tax return? If so, what resulted from the audit?

No.

Potential conflicts of interest:

1. Describe any financial or deferred compensation agreements or other continuing of interest dealings with business associates, clients or customers who will be affected by policies which you will influence in the position to which you have been nominated.

None.

2. List any investments, obligations, liabilities, or other relationships which might involve potential conflicts of interest, or the appearance of conflicts of interest, with the position to which you have been nominated.

None; stock holdings, other assets, etc. are reported on the SF-278 and are within government ethics requirements.

3. Describe any business relationship, dealing or financial transaction (other than taxpaying) which you have had during the last 10 years with the Federal Government, whether for yourself or relatives, on behalf of a client, or acting as an agent, that might in any way constitute or result in a possible conflict of interest, or an appearance of conflict of interest, with the position to which you have been nominated.

Part-time work as independent consultant in 1990-91 with Verstandig and Associates which had some dealings with the Environmental Protection Agency.

4. Explain how you will resolve any potential conflict of interest, or appearance of a conflict of interest, that may be disclosed by your responses to the above items.

Verstandig and Associates no longer exists and has no dealings with EPA.

5. Explain how you will comply with conflict of interest laws and regulations applicable to the position for which you have been nominated. Attach a statement from the appropriate agency official indicating what those laws and regulations are and how you will comply with them. For this purpose, you may utilize a statement by the relevant agency Ethics Officer.

[Statement from the EPA Ethics Officer is attached.]

Political affiliation and activities:

List all memberships and offices held in, or financial contributions (in excess of $1,000), and services rendered to any political party or election committee during the last 10 years.

None.

Published writings:

List the titles, publishers and dates of any books, articles, or reports you have written. (Please list first any publications and/or speeches that involve environmental or related matters.)

No works have been published, but in my present EPA position I have given numerous speeches about current EPA policies to a wide variety of audiences since 1993. Here is the list of speeches.

March 27, 2000, Living with TSCA 2000 -- A New World of Chemical Regulation, Keynote Speaker, organized by the Chemical Manufacturers Association and the Synthetic Organic Chemical Manufacturers Association, Washington, D.C.

March 23, 2000, National Pollution Prevention Roundtable's Annual Conference, Boston, Mass., Accepted the Vice President's Hammer Award on behalf of EPA's Environmental Accounting Project Team.

March 21, 2000, American Bar Association Environment and Energy Committee Meeting, Food Quality Protection Act (FQPA) Update, Washington, D.C.

January 28, 2000, American Farm Bureau, Specialty Crop and Advisory Boards Conference, Update on FQPA, New Orleans, LA.

January 18, 2000, Michigan Farm Bureau, FQPA Update, Detroit Mich.

December 12, 1999, Apple Processors Association's 1999 Washington Seminar, FQPA Update, Washington, D.C.

November 9, 1999, TSCA 2000: Emerging Policy Initiatives under the Toxic Substances Control Act, Panel sponsored by the Environmental Law Institute, Washington, D.C.

October 8, 1999, ALI-ABA panel, co-sponsored by the Environmental Law Institute, "Update: TSCA, FQPA, Biotech," Washington, D.C. 1999

September 27, 1999, American Crop Protection Association's 66th Annual Meeting, The Greenbrier, White Sulphur Springs, West Virginia.

June 17, 1999, National Cotton Council, 1999 Cotton Leadership Class, FQPA Update, Washington, D.C.

May 20, 1999, U.S. Opening Statement at the Transatlantic Environment Conference on Chemicals, Carnauba, Italy

March 2, 1999, National Potato Council, Status of FQPA Implementation, Washington, D.C.

February 16, 1999, Wisconsin Potato and Vegetable Growers Association/University of Wisconsin Research Team, Annual Growers FQPA Education Meeting, Stevens Point, WI

September 28, 1998, ACPA Annual Meeting on World Food Production in the 21st Century, Greenbrier, WV

June 24, 1998, National Cotton Council Meeting, FQPA Update Washington, D.C.

June 16, 1998, Pesticide Law Meeting, Hogan & Hartson, Washington, D.C.

May 5, 1998, DOW Chemical Company, Chemical Regulation, Midland, MI

April 23, 1998, American Crop Protection Association Conference, FQPA Update, Crystal City, VA

January 15, 1998, Rice Federation Meeting, FQPA Update, Arlington, VA

October 7, 1997, 5th Plenary Meeting of the Endocrine Disruption Screening and Testing Advisory Committee, Elmhurst, NY

September 29, 1997, American Crop Protection Association Annual Meeting, FQPA Update, Greenbrier, WVA

September 17, 1997, The World Chemical Congress, "Chemicals in the 21st Century" conference, luncheon speaker "Environmental Stewardship, the Regulatory Outlook for Chemicals," Newport Beach, CA.

August 4, 1997, National Cotton Council Producer Environmental Task Force Meeting, Memphis, TN

July 14, 1997, Symposium on Endocrine Disruptors , Chicago, IL

March 14, 1997, National Food Policy Conference, "Public Voice for Food and Health Policy", Implementation of FQPA, Washington, D.C

February 26, 1997, Washington Agriculture and Forestry Education Foundation, Agriculture, Pesticides Issues, and Implementation of FQPA; Washington, D.C.

February 21, 1997, National Association of State Departments of Agriculture, Mid-Year Legislative Conference, Implementation of FQPA , Washington, D.C.

February 5, 1997, NGOs Attrition on Pesticides & Health, Panel sponsored by Consultative Group on Biological Diversity, Washington, D.C.

February 3, 1997, Chemical Producers and Distributors Association, Mid-Year Meeting; Implementation of FQPA, Crystal City, VA

January 7, 1997, National Cotton Council of American, Beltway Cotton Conference, Implementation of FQPA, New Orleans, LA.

December 10, 1996, National Corn Growers Association, FQPA Update, St. Louis, MO

December 3, 1996, Chemical Producers and Distributors Association, Pesticides Industry Labeling Workshop, Implementation of FQPA, Alexandria, VA

November 20, 1996, Worker Protection Standard Headquarters/Regional Workshop, Opening Remarks, Arlington, VA

November 18, 1996, The Annual Meeting of the American Public Health Association Occupational Health and Safety and Environment Sections, New York City, NY

September 10, 1996, Symposium sponsored by the American Crop Protection Association and McKenna and Cuneo, "FQPA 1996: New Directions" Washington, D.C

September 7, 1996, Responsible Industry for a Sound Environment Annual Meeting, Breakfast Speaker, Palm Beach, FL

June 26, 1996, National Dialogue on the Worker Protection Standard, Public Meeting, Biglerville, PA

June 11, 1996, Seminar on Environmentally Preferable Products sponsored by Environmental Law Institute, Washington, D.C.

May 15, 1996, American Meat Institute, Breakfast Roundtable on Science Peer Review, Washington, D.C.

May 8, 1996, The Soap and Detergent Association, Pesticide Registration, Washington, D.C.

April 29, 1996, Chemical Specialties Manufacturers Association Mid-Year Meeting, Federal Legislative Update, Chicago, IL

March 1, 1996, Third National Integrated Pest Management Symposium/Workshop, Washington, D.C.

January 24, 1996, International Business Communications Conference, Commercializing Bio-pesticides, Washington, D.C.

December 5, 1995, Chemical Specialties Manufacturers Association Conference, Implementing FQPA, Fort Lauderdale, FL

November 7, 1995, IR-4/EPA Bio-pesticides Workshop, Washington, D.C.

September 19, 1995, Grocery Manufacturers of America, Fall Technical Regulatory Conference, EPA's Implementation of Pesticides in the Diets of Infants and Children, Washington, D.C.

September 15, 1995, The American Farm Bureau Federation, Worker Protection Standard Update, Washington, D.C.

May 6, 1995, National Campaign for Pesticide Policy Reform, Keynote Address, Philadelphia, PA

Additional Matters:

1. If there is any additional information which you believe may be pertinent to the Members of the Committee in reaching their decisions, you may include that here.

None.

2. Do you agree to appear before all Congressional Committees which seek your testimony?

Yes.

3. Having completed this form, are there any additional questions which you believe the Committee should ask of future nominees?

No.

AFFIDAVIT

_____) ss, being duly sworn, hereby states that he/~~she~~ has read and signed the foregoing Statement for Completion by Presidential Nominees including the Financial Statement and that the information provided therein is, to the best of his/her knowledge and belief, current, accurate, and complete.

Subscribed and sworn before me this 10TH day of APRIL, 2000

Notary Public
FRANCIS P. BONDS
NOTARY PUBLIC, DISTRICT OF COLUMBIA
My Commission Expires 31 August 2001

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 2 2000

Stephen D. Potts, Director
Office of Government Ethics
Suite 500, 1201 New York Avenue, N.W.
Washington, D.C. 20005-3919

Dear Mr. Potts:

As required by 5 C.F.R. § 2634.605(c), I have reviewed the Public Financial Disclosure Report (SF 278) submitted by James A. Aidala, Jr., in connection with his nomination as Assistant Administrator for the Office of Pollution, Prevention and Toxic Substances of the Environmental Protection Agency (EPA). If confirmed and appointed, Mr. Aidala agrees that he will not participate in any particular matter in which his wife is providing services as an environmental mediator for Resolve, Inc.. In addition, unless approved by the Administrator in consultation with the Designated Agency Ethics Official, Mr. Aidala will not participate in any other particular matter in which Resolve, Inc., is or represents a party. A copy of Mr. Aidala's ethics agreement is enclosed.

Subject to the ethics agreement described above, I have determined that Mr. Aidala's report is complete and discloses no likely conflict of interest under applicable statutes and regulations. I have therefore signed and dated the enclosed report.

An statement of the functions and duties of the Office of Pollution, Prevention, and Toxic Substances is enclosed. Please call me at 501-7060 if you have any questions.

Sincerely,

Donnell Vaughn, ADEO for

Scott C. Fulton
Designated Agency Ethics Official

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 16 2000

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

MEMORANDUM

SUBJECT: Ethics Agreement

FROM: James V. Aidala, Jr.,
Associate Assistant Administrator
Office of Prevention, Pesticides and Toxic Substances

TO: Scott C. Fulton
Designated Agency Ethics Official

As reported on my SF 278, my wife is an environmental mediator for Resolve Incorporated. This involves services which would potentially be affected by my duties as Assistant Administrator for Prevention, Pesticides and Toxic Substances. If confirmed and appointed as an Assistant Administrator of the Environmental Protection Agency, I will not participate in any "particular matter" in which in which my wife is involved as an employee of Resolve Incorporated.

In addition, I will not participate in any other "particular matter" in which Resolve Incorporated is a party or represents a party, unless the Administrator authorizes such participation in consultation with the Designated Agency Ethics Official.

If confirmed and appointed as Deputy Administrator, I will promptly issue a memorandum memorializing this recusal to all confirmed Presidential appointees in EPA, to the Regional Administrators, and to the Staff Office Directors.

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RESPONSES BY JAMES AIDALA TO SUPPLEMENTAL QUESTIONS FROM SENATOR SMITH

ENCLOSURE 1

Question 1. Is it accurate that EPA supports enactment into law of amendment No. 3308 as written?

Response. As you are aware, EPA stated in a letter to Senator Boxer dated June 13, 2000, that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration, nor has the Administration taken a position on the amendment.

Question 2. If EPA supports elimination of the products restricted in amendment No. 3308, please outline and supply the scientific studies and other scientific basis in detail which influenced your judgment.

Response. EPA supports the goal of limiting unnecessary exposure to children of pesticides. EPA is ready to work with the Department of Defense (DoD) and others

to craft effective methods of pest control that will minimize exposures to children. In fact, there is already a foundation of success to build on in this regard. In 1996, EPA and DoD entered into a memorandum of understanding to form a partnership to promote environmental stewardship by adopting integrated pest management strategies. This effort has resulted in significant reductions of pesticide use by DoD.

The categories of pesticides included in the amendment correlate with Group 1 of EPA's schedule for tolerance reassessment, consisting of pesticides which appear to pose the greatest risk to public health. A copy of the Federal Register Notice explaining the division of pesticides into groups is enclosed. The Agency is giving priority to the review of these pesticides through its tolerance reassessment process and will take appropriate action upon completion of the review. To date, the Agency has reviewed approximately 3,485 of the 9,721 existing tolerances. When the Agency determines, after extensive scientific review, that the risks posed by a pesticide do not meet the FQPA standards it will move to eliminate the risk. For example, last August, the Agency negotiated agreements with the manufacturers of methyl parathion and azinphos methyl to either eliminate or reduce application rates on foods to address such unacceptable risks. Meanwhile, many of the pesticides included in the amendment are still undergoing reassessment.

Question 3. If EPA opposes the amendment, supports changes to the amendment, or has concerns with the amendment, why was that not expressed in the letter?

Response. As stated above, the June 13 letter reaffirms EPA's support for the goal of the amendment. Beyond that, the Administration has not taken a position on the amendment.

Question 4. If the letter is neither supportive or in opposition to the amendment, what was the purpose of the letter?

Response. Immediately after the June 13 confirmation hearing, EPA was asked by Senator Boxer to provide its views in writing on the amendment prior to the scheduled floor consideration of the amendment. As Mr. Aidala testified, the amendment had not received Administration review. Given the limited time available, the Agency stated its support for the goal of protecting children from unnecessary pesticide exposure and to explain our current activities in that area. We also expressed our willingness to work closely with the DoD on this issue.

Question 5. Were you aware of this letter at the time of your testimony and if so, why was it not referenced before the committee?

Response. At the time of Mr. Aidala's testimony, EPA was not preparing a letter, it was only upon the conclusion of the hearing that a request was received from Senator Boxer for such a letter. At the time of the hearing, Mr. Aidala was only aware that Senator Boxer was considering introducing such an amendment.

Question 6. If you were not, were you subsequently consulted?

Response. Mr. Aidala was subsequently informed that EPA's Of lice of Congressional and Intergovernmental Relations received a request from Senator Boxer to clarify EPA's views.

Question 7. If you were not consulted, why were you not consulted?

Response. Not applicable.

Question 8. Please reconcile your testimony with the letter.

Response. The letter and, to the best of our understanding, Mr. Aidala's testimony state that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted at the hearing, however, the amendment has not been subject to a full review by the Administration.

Question 9. Does EPA already protect children on military bases from harmful pesticides?

Response. The protection of children is one of our highest priorities. When we register, reregister, or reassess tolerances for existing pesticides we try to ensure that our actions are protective of all consumers, especially children. FQPA requires special protections for infants and children including: an explicit determination that tolerances are safe for children; an additional safety factor, if necessary, to account for uncertainty in data relative to children; and consideration of children's special sensitivity and exposure to pesticide chemicals.

Question 10. If not, why not?

Response. Not applicable.

Question 11. If so, why is this legislation necessary?

Response. EPA supports the goal of limiting unnecessary exposure to children from pesticides and respects the authority of Congress to impose restrictions beyond the current regulatory program.

Question 12. List the products that would be impacted by this amendment?

Response. As stated earlier, the products correlate with those on Group 1 of EPA's tolerance reassessment schedule. A copy of that schedule of information is enclosed.

Question 13. Describe the nature of the products in a range from threatening to benign that would be affected by this amendment?

Response. Pesticides which were included in Group 1 were those that EPA identified as appearing to pose the greatest risk to public health. The Agency did not distinguish among products in this group in terms of their potential effects.

Question 14. Do any of these products have positive benefits to children's health?

Response. When used according to label directions many of these products could be used for pest control, sterilization of medical instruments, or other uses potentially beneficial to children.

Question 15. If so, is there any risk to children if Congress prevents the availability of these products?

Response. EPA is not sufficiently aware of DoD's pest control needs to make that determination. To make a proper assessment, the Agency would need to know what products are used, and how they are used so that alternatives could be considered. It should be noted that through EPA's Pesticide Environmental Stewardship Program, DoD has committed to moving toward pesticide alternatives and less use of pesticides, or use of less toxic pesticides. DoD has been recognized by EPA for their tremendous progress in this area.

Question 16. What is the availability and cost of substitute products?

Response. Again, EPA would need to know more about the DoD's pest control needs to make that determination.

Question 17. Are any of the products affected by this amendment products that were NOT restricted in an equivalent way by the chlorpyrifos agreement announced by EPA last week?

Response. There would be many other products affected that were not part of last week's agreement, although chlorpyrifos products would be part of the list of affected pesticides.

Question 18. If so, which products/uses permitted under the chlorpyrifos agreement would not be permitted under this amendment?

Response. This would require detailed knowledge of DoD pest control needs, but might affect any of the pesticides under Group 1, including chlorpyrifos.

Question 19. Did EPA consult with DoD prior to the 6/13/00 letter to coordinate the Administration's view on the amendment?

Response. EPA did not formally consult with DoD in preparing this specific letter. The letter stated that EPA supports the goal of protecting children from unnecessary pesticide exposure, and that EPA supports the goal of the amendment. As noted earlier, however, the amendment has not been subject to a full review by the Administration.

Question 20. Is EPA, in general, supportive of Congress substituting its own judgment in place of that of EPA's by bypassing the existing regulatory system that relies on science and is already in place?

Response. EPA respects the role of Congress to enact laws and conduct oversight on their implementation by the Administration. EPA stands ready to work with Congress to ensure the necessary pest control tools are available while minimizing unnecessary risk.

Question 21. In general, is EPA supportive of broad new regulatory requirements added as legislative provisions to appropriations bills without the benefit of public hearings and if so why was this amendment not opposed on that basis?

Response. In general, the Administration opposes riders to appropriations bills that weaken environmental protections. As stated above, EPA supports the goal of limiting unnecessary exposure of children to pesticides. This is consistent with the emphasis of FQPA's mandate to protect infants and children.

ENCLOSURE 2

EPA United States Environmental Protection Agency

[EPA Home |Federal Register Home | Comments | Search]

Related Material

- Support Documents

Federal Register Document

[Federal Register: August 4, 1997 (Volume 62, Number 149)]
[Notices]
[Page 42019-42030]
From the Federal Register Online via GPO Access [wais.access.gpo.gov]
[DOCID:fr04au97-102]

[[Page 42019]]

Part V

Environmental Protection Agency

Raw and Processed Food Schedule for Pesticide Tolerance Reassessment; Notices

[[Page 42020]]

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ENVIRONMENTAL PROTECTION AGENCY

[OPP-300523; FRL-5734-6]

Raw and Processed Food Schedule for Pesticide Tolerance

Reassessment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's schedule for reassessing tolerances for pesticide residues in or on raw and processed foods. Publication of this schedule meets the requirements of Federal Food, Drug, and Cosmetic Act (FFDCA) section 408(q)(3), as established by the Food Quality Protection Act of 1996. Under the new law, EPA is required to reassess all existing tolerances and exemptions from tolerances for both active and inert ingredients. EPA is directed to give priority review to pesticides that appear to present risk concerns based on current data. In reassessing tolerances, EPA must consider the aggregate exposure to the pesticide; cumulative effects from other pesticides with a common mode of toxicity; whether there is an increased susceptibility from exposure to the pesticide to infants and children; and whether the pesticide produces an effect in humans similar to an effect produced by a naturally occurring estrogen or other endocrine effects.

ADDRESS: Written comments, although not required, may be submitted by mail to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person, bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. Comments must be identified by docket control number (OPP-300523). Information submitted and any comment(s) concerning this notice may be claimed confidential by marking any part or all of that information as ``Confidential Business Information'' (CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment(s) that does not contain CBI must be submitted for inclusion in the public record.

Comments may be submitted electronically by following the instructions under Unit VI. No CBI should be submitted through e-mail.

FOR FURTHER INFORMATION CONTACT: By mail: Jeff Morris, Special Review and Reregistration Division (7508W), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location, telephone number and e-mail address: Special Review Branch, Crystal Station #1, 3rd floor, 2800 Crystal Drive, Arlington, VA 22202. Telephone: (703) 308-8029; e-mail: morris.jeffrey@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The FFDCA authorizes EPA to establish tolerances (maximum residue levels) or exemptions from the requirement of a tolerance, and to modify and revoke tolerances for residues of pesticide chemicals in or on raw agricultural commodities and processed food. Without a tolerance or exemption, food containing pesticide residues is considered to be adulterated and may not be legally moved in interstate commerce. Tolerance procedures are contained in 40 CFR parts 177 through 180; all tolerances and exemptions are listed in parts 180, 185, and 186. Monitoring and enforcement of pesticide tolerances are carried out by the U.S. Food and Drug Administration (FDA) and the U.S. Department of Agriculture (USDA). This includes monitoring for pesticide residues in

or on commodities imported into the United States.

On August 3, 1996, the Food Quality Protection Act (FQPA) was signed into law. Effective upon signature, FQPA significantly amended the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the FFDCA. One new FFDCA provision established by FQPA requires the reassessment of all existing tolerances and exemptions from the requirement of a tolerance in a manner consistent with the requirements of the new law.

Prior to FQPA, EPA reassessed tolerances as part of its reregistration process for pesticides registered prior to November 1984. For pesticide chemicals registered after November 1984 (known as the post-1984 chemicals) and for newly registered pesticides, EPA has used the registration process to ensure that the best available information is used to assess the safety of tolerances and exemptions.

II. Regulatory Requirements of FFDCA

Section 408(q) of the FFDCA requires that EPA review within ten years all tolerances and exemptions established prior to the August 3, 1996 enactment of FQPA, giving priority to the review of those tolerances or exemptions that appear to pose the greatest risk to public health. In its review of these tolerances and exemptions, EPA must meet the following time table: 33 percent of applicable tolerances and exemptions must be reviewed by August 1999, 66 percent by August 2002, and 100 percent by August 2006. FQPA also requires that by August 3, 1997, EPA publish a schedule of its reassessment of these tolerances and exemptions. Today's notice satisfies that requirement. Although publication of this tolerance reassessment schedule is not a rulemaking and is not subject to judicial review, EPA welcomes responses to this schedule from interested parties and the general public. Please see part VI, ``Effective Date and Public Response,'' for information on how to respond to this notice.

III. Tolerances and Exemptions Subject to Reassessment

At the time of FQPA's August 1996 enactment, there were 9,728 tolerances and exemptions for active and inert ingredients that are subject to the FQPA reassessment time table in section 408(q). Of the tolerances and exemptions for active ingredients subject to the reassessment schedule, 8,190 are tolerances and 712 are exemptions. Also subject to reassessment are 826 exemptions for inert ingredients.

IV. Tolerance Reassessment Program

All existing tolerances and exemptions will be reviewed in the course of the tolerance reassessment program, initially as part of the Agency's pesticide reregistration program and later as part of the registration renewal program. First, tolerance reassessment will occur as a part of the reregistration process. That is, tolerances and exemptions for a pesticide chemical subject to reregistration are reassessed at the time that the reregistration eligibility decision (RED) is completed for the pesticide. EPA will also reassess tolerances and exemptions associated with pesticides for which REDs were issued before FQPA's August 1996 enactment and therefore require tolerance reassessments conducted according to FQPA standards, pesticides that were registered after 1984 and therefore are not subject to reregistration, and food-use inert ingredients. In 2003, after completion of the reregistration program, tolerance reassessment will become an output of the registration renewal process.

A. Reassessment Considerations

In reassessing tolerances, FQPA requires that EPA consider, among other things, the best available data and information on the following:

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The aggregate exposure to the pesticide (including exposure from residential pesticide uses and drinking water).

The cumulative effects from other pesticides sharing a common mechanism of toxicity.

Whether there is an increased susceptibility from exposure to the pesticide to infants and children.

Whether the pesticide produces an effect in humans similar to an effect produced by a naturally occurring estrogen, or other endocrine effects.

B. Tolerance Reassessment Priorities

In order to comply with FQPA reassessment priorities and reregistration scheduling requirements, EPA has divided the pesticides with tolerances and exemptions subject to the reassessment schedule into three groups. In general, tolerances and exemptions for Group 1 pesticides will be subject to reassessment first, followed by groups 2 and 3. While the actual reassessment of the tolerances and exemptions in these three groups may not correspond directly with the three FQPA reassessment deadlines of August 1999, August 2002, and August 2006, this grouping reflects the overall scheduling priorities for tolerance reassessment.

1. Group 1--i. Risk- and hazard-based priorities. EPA has placed into Group 1 those tolerances and exemptions associated with the following types of pesticides, which based on the best available information to date appear to pose the greatest risk to the public health:

(1) Pesticides of the organophosphate, carbamate, and organochlorine classes (it is EPA's intent to conduct tolerance reassessments for organophosphate pesticides in the first three years of the schedule).

(2) Pesticides that EPA has classified as probable human (groups B1 and B2) carcinogens, and possible human (group C) carcinogens for which EPA has quantified a cancer potency.

(3) High-hazard inert ingredients.

(4) Any pesticides that, based on the best available data at the time of scheduling, exceed their reference dose (RfD).

In making the determination as to which pesticides appear to pose the greatest risk to the public health, whenever possible EPA has taken into account exposure to infants, children, and other sensitive subpopulations.

ii. Reregistration priorities. Because EPA must, in addition to meeting the tolerance reassessment schedule, also complete the reregistration program by 2002, tolerance reassessments for those pesticides for which REDs were substantially complete prior to FQPA's enactment are also included in Group 1, even though the tolerances for these pesticides may not be among those that appear to pose the greatest risk to the public health. For the sake of completeness and for tracking purposes, those food-use pesticides for which REDs were issued after August 3, 1996 are also listed in Group 1, even though EPA has completed their FQPA tolerance reassessments.

iii. Tolerance revocations. EPA has also placed in Group 1 pesticides for which tolerances and exemptions are in the process of being proposed for revocation. These tolerances and exemptions are included in the total 9,728 tolerances and exemptions. In some cases,

revocations reduce theoretical risk in dietary assessments where tolerance-level residues are used. This year, EPA has begun to issue a number of proposed rules to revoke over 1,000 tolerances and exemptions: one notice proposes to revoke tolerances and exemptions associated with pesticides for which all registrations have been canceled; a second notice proposes to revoke tolerances for uses that have been deleted from pesticide registrations; a third notice proposes to revoke tolerances for uses canceled in order to reduce theoretical risks to levels below the reference dose; a fourth notice, already issued, proposes to revoke tolerances for uses no longer considered to be significant livestock feed items; and several other notices propose to revoke tolerances for individual pesticides.

2. Group 2. Possible human carcinogens not included in Group 1 will be reassessed as part of Group 2. Because EPA intends to complete the reregistration program in 2002, tolerances and exemptions for all remaining pesticides subject to reregistration will also be reassessed as part of Group 2. Other pesticides have been placed into Group 2 based on scheduling considerations.

3. Group 3. EPA has placed in Group 3 the biological pesticides, as well as those inert ingredients referenced in 40 CFR part 180 that EPA has not identified as high-hazard inerts. Also in Group 3 are, as part of the registration renewal program, those post-1984 pesticides with tolerances and/or exemptions not yet reassessed under FQPA.

V. Tolerance Reassessment Schedule

This section presents EPA's schedule for reassessing tolerances and exemptions. The schedule is presented in two tables: In Table 1, column A lists the three tolerance reassessment time frames mandated by FFDCA section 408(q)(1), as established by FQPA; column B estimates the total number of tolerances and exemptions that should be reassessed by the end of each period.

Table 2 is a comprehensive list of the pesticides with tolerances and/or exemptions subject to tolerance reassessment from the date of this notice until August 3, 2006, divided into groups 1, 2, and 3. Where EPA had the information readily available, the pesticides within a group are arranged according to their chemical class; within a chemical class, pesticides are listed alphabetically. The pesticide names listed in Table 2 correspond with their listing in 40 CFR parts 180, 185, and 186, where some common names are also given. Note that each individual pesticide listing may encompass more than one active ingredient. Please refer to the tolerance listings in 40 CFR parts 180, 185, and 186 for further information on the active ingredients covered by specific tolerance citations.

In all, there are a total of 469 pesticides or high-hazard inert ingredients with food use tolerances that are scheduled for reassessment. This includes 228 in group 1, 93 in group 2 and 148 in group 3. Also, there are an additional 823 inert ingredient exemptions that will be dealt with as part of group 3. The total number of pesticides may change during the course of the process, as, for example, in the case of canceled registrations.

VI. Effective Date and Public Response

This schedule is not subject to a formal public comment period, and therefore becomes effective upon publication in the Federal Register. Prior to issuance of this notice, EPA involved various stakeholders through the Pesticide Program Dialogue Committee in a public discussion of EPA's tolerance reassessment program and scheduling priorities. Nevertheless, EPA welcomes additional input from interested parties and the general public, in particular: (1) if they believe there are

pesticides that should appear on the list but are omitted from it; or (2) if they believe there are pesticides that should be dropped from the list. The Agency will also keep the list of pesticides up-to-date in its periodic reports to Congress on this program. Public responses to this notice should be submitted to the address in the ``ADDRESSES'' section, with an additional copy sent to Jeff Morris, Special Review and Reregistration Division, at the address and telephone number listed above in the section titled

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``FOR FURTHER INFORMATION CONTACT.''

The official record for this notice, as well as the public version, has been established for this notice under docket number OPP-300523 (including comments and data submitted electronically as described below). A public version of this record, including printed, paper versions of electronic comments, which does not include any information claimed as CBI, is available for inspection from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in ``ADDRESSES'' at the beginning of this document.

Electronic comments can be sent directly to EPA at: opp-docket@epamail.epa.gov.

Electronic responses must be submitted in ASCII file format, avoiding the use of special characters and any form of encryption. Comments will also be accepted on disks in WordPerfect 5.1 file format or ASCII file format. All comments in electronic form must be identified by the docket control number OPP-300523. Electronic responses to this schedule may be filed on line at many Federal Depository libraries.

Dated: July 31, 1997.

Lynn R. Goldman,
Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Table 1.--Tolerance Reassessment Time Table

(A) Tolerance Reassessment Deadlines	(B) Reassessments Required by End of Time Period
August 1999	
33% of all applicable tolerances and exemptions must be reassessed.	3,210 (9,728 x 33%)
August 2002	
66% of all applicable tolerances and exemptions must be reassessed.	6,420 (9,728 x 66%)
August 2006	
100% of all applicable tolerances and exemptions must be reassessed.	9,728 (9,728 x 100%)

Within each group of the following Table 2, pesticides are organized alphabetically within a given chemical class. The chemical class determination is not equivalent to a common mechanism of action determination. Those evaluations are underway. When no chemical class is given, it is assumed that the pesticide is not a member of an identified class of chemicals. Note that the oxime carbamates are structurally different from carbamates; however, it has not been determined if they share a common mechanism of action. A complete alphabetical listing of the chemicals is available in the public

docket; also available in the public docket is a list of all chemicals that EPA classifies as carcinogens.

Table 2.-- Pesticides Subject to Tolerance Reassessment

Pesticide	Chemical Class
Group 1 Pesticides	
2-(Thiocyano-methylthio)benzothiazole(TCMB).	.....
2-Phenylphenol.....	.....
4,6-Dinitro-o-cresol and its sodium salt(DNOC).	.....
Chloramben.....	.....
Chloroxuron.....	.....
Diethatyl ethyl.....	.....
Diphenamid.....	.....
Dipropyl isocinchomeronate.....	.....
Hexythiazox.....	.....
Oxadiazon.....	.....
Paraformaldehyde.....	.....
S-Ethyl cyclohexylethylthiocarbamate (Cycloate).	.....
Tetradifon.....	.....
Thiram.....	.....
Triclopyr.....	.....
Formaldehyde.....	(high-hazard inert ingredient)
Phenol.....	(high-hazard inert ingredient)
Rhodamine B.....	(high-hazard inert ingredient)
2-[[4-chloro-6-(ethylamino)-s-triazin-2-yl]amino]-2-methylpropiionitrile(Cyanazine).	1,3,5-triazine
4-Amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-trizin-5(4H)-one (Metribuzin).	1,2,4-triazinone
Atrazine.....	1,3,5-triazine
Propazine.....	1,3,5-triazine
Simazine.....	1,3,5-triazine
Ethalfluralin.....	2,6-dinitroaniline
N-Butyl-N-ethyl-a,a,a-trifluoro-2,6-dinitro-p-toluidine (Benfluralin).	2,6-dinitroaniline
Oryzalin.....	2,6-dinitroaniline
Pendimethalin.....	2,6-dinitroaniline

[[Page 42023]]

Trifluralin.....	2,6-dinitroaniline
Diclofop-methyl.....	2-(4-aryloxyphenoxy)propionic acid
Fenoxaprop-ethyl.....	2-(4-aryloxyphenoxy)propionic acid
Quizalofop-ethyl.....	2-(4-aryloxyphenoxy)propionic acid

Ammoniates for [ethylenebis-(dithiocarbamate) zinc and ethylenebis [dithiocarbamic acid] bimolecular and trimolecular cyclic anhydrosulfides and disulfides (Metiram).	alkylenebis(dithiocarbamate)
Coordination product of zinc ion and maneb(Mancozeb).	alkylenebis(dithiocarbamate)
Maneb.....	alkylenebis(dithiocarbamate)
3,5-Dichloro-N-(1,1-dimethyl-2-propynyl)benzamide (Pronamide).	amide herbicide (benzamide)
Chlorothalonil.....	aromatic hydrocarbon derivative
PCNB.....	aromatic hydrocarbon derivative
2,4-D.....	aryloxyalkanoic acid
1-(4-chlorphenoxy)-3,3-dimethyl-1(1H-1,2,4-triazol-1-yl)(Triadimefon).	azole
1-[[2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl] methyl]-1H-1,2,4-triazole (Propiconazole).	azole
Beta-(4-chlorophenoxy)alpha-(1,1-dimethylethyl)-1H-1,2,4-triazole-1-ethanol(Triadimenol).	azole
Cyproconazole.....	azole
Difenoconazole.....	azole
Fenbuconazole.....	azole
Hexaconazole.....	azole
Myclobutanil.....	azole
Tebuconazole.....	azole
Triflumizole.....	azole
Benomyl.....	benzimidazole
Imazalil.....	benzimidazole
Thiabendazole.....	benzimidazole
Thiophanate methyl.....	benzimidazole
Bromoxynil.....	benzonitrile
Dichlobenil.....	benzonitrile
Diflubenzuron.....	benzoylurea
Paraquat dichloride.....	bipyridylium
2,2-Dimethyl-1,3-benzodioxol-4-ol methylcarbamate (Bendiocarb).	carbamate
Asulam.....	carbamate
Carbaryl.....	carbamate
Carbofuran.....	carbamate
CIPC (Chlorpropham).....	carbamate
Desmedipham.....	carbamate
Formetanate HCl.....	carbamate
Phenmedipham.....	carbamate
2-Chloro-N-isopropylacetanilide(Propachlor).	chloroacetanilide
Acetochlor.....	chloroacetanilide
Alachlor.....	chloroacetanilide
Metolachlor.....	chloroacetanilide
3-(3,5-Dichlorophenoxy)-5-ethenyl-5-methyl-2,4 oxazolidinedione(Vinclozolin).	dicarboximide
Iprodione.....	dicarboximide
Procymidone.....	dicarboximide
Sodium dimethyldithiocarbamate.....	dimethyldithiocarbamate
2,4-Dinitro-6-octylphenyl crotonate and 2,6-dinitro-4-octylphenyl crotonate (Dinocap).	dinitrophenol derivative
Lactofen.....	diphenyl ether

Oxyfluorfen	diphenyl ether
Sodium salt of fomesafen	diphenyl ether
Sodium salt of acifluorfen	diphenyl ether
Diphenylamine	diphenylamine
Amitraz	formamidine
Aluminum phosphide	fumigant (phosphide)
Ethylene oxide	fumigant (miscellaneous)
Magnesium Phosphide	fumigant (phosphide)

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Propylene oxide	fumigant (miscellaneouos)
Zinc Phosphide	fumigant (phosphide)
Captan	N-trihalomethylthio
Folpet	N-trihalomethylthio
Cacodylic Acid	organo arsenical
1,1-Bis(p-chlorophenyl)-2,2,2-trichloroethanol(Dicofol).	organochlorine
Endosulfan	organochlorine
Lindane	organochlorine
Methoxychlor	organochlorine
Cadusafos	organophosphorus
2,2-Dichlorovinyl dimethyl phosphate(Dichlorvos).	organophosphorus
Acephate	organophosphorus
Chlorpyrifos	organophosphorus
Chlorpyrifos methyl	organophosphorus
Coumaphos	organophosphorus
Diazinon	organophosphorus
Dimethoate including its oxygen analog	organophosphorus
Dimethyl phosphate of 3-hydorxy-N,N-dimethyl-cis-crotonamide(Dicrotophos).	organophosphorus
Ethion	organophosphorus
Ethoprop	organophosphorus
Ethyl 3-methyl-4-(methylthio) phenyl(1-methylethyl)phosphoramidate(Fenamiphos).	organophosphorus
Fenitrothion	organophosphorus
Malathion	organophosphorus
Methamidophos	organophosphorus
Methidathion	organophosphorus
Methyl 3-[dimethoxy phosphinyl)oxy]butenoate, alpha and beta isomers(Mevinphos).	organophosphorus
N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) and its oxygen analog(Phosmet).	organophosphorus
Naled	organophosphorus
O,O-Dimethyl O-(4-nitro-m-tolyl)phosphorothioate(Fenthion).	organophosphorus
O,O-Dimethyl S-[(4-oxo-1,2,3-benzotriazin-3(4H)-ylmethyl]phosphorodithioate (Azinphos-methyl).	organophosphorus
O,O-Diethyl S-[2-(ethylthio)ethyl]phosphorodithioate(Disulfoton).	organophosphorus
O-Ethyl S-phenyl ethylphosphonodithioate(Fonofos).	organophosphorus
O-[2-(1,1-Dimethylethyl)-5-primidinyl] O-ethyl-O-(1-methylethyl phosphorothioate(Phostebupirim).	organophosphorus

Parathion (methyl and ethyl).....	organophosphorus
Phorate.....	organophosphorus
Phosphorothioic acid, O,O-diethyl O-(1,2,2,2-tetrachloroethyl) ester(Chlorethoxyfos).	organophosphorus
Pirimiphos methyl.....	organophosphorus
Profenofos.....	organophosphorus
Propetamphos.....	organophosphorus
S,S,S-Tributyl phosphorotrithioate(DEF)...	organophosphorus
S-(O,O-Diisopropyl phosphorodithioate) of N-(2-mercaptoethyl)benzenesulfonamide (Bensulide).	organophosphorus
S-[2-(Ethylsulfinyl)ethyl] O,O-dimethyl phosphorothioate(Oxydemeton methyl).	organophosphorus
Terbufos.....	organophosphorus
Propargite.....	organosulfur
Triphenyltin hydroxide (TPTH).....	organotin
Aldicarb.....	oxime carbamate
Methomyl.....	oxime carbamate
Oxamyl.....	oxime carbamate
Thiodicarb.....	oxime carbamate
Oxadixyl.....	phenylamide
Dimethyl tetrachloroterephthalate(DCPA)...	phthalic acid
Cypermethrin.....	pyrethroid
Permethrin.....	pyrethroid
Pyrithiobac-sodium.....	pyrimidinyloxybenzoic analogue
Mepiquat chloride.....	quaternary ammonium
6-methyl-1,3-dithiolo [4,5-b]quinoxalin-2-one(Oxythioquinox).	quinoxaline
5-Ethoxy-3-(trichloromethyl)-1,2,4-thiadiazole(Terrazole).	Thiazole
Butylate.....	thiocarbamate
S-2,3,3-Trichloroallyl diisopropylthiocarbamate(Tri-allate).	thiocarbamate

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S-Ethyl hexahydro-1H-azepine-1-carbothioate(Molinate).	thiocarbamate
S-Ethyl dipropylthiocarbamate (EPTC).....	thiocarbamate
S-Propyl dipropylthiocarbamate(Vernolate).	thiocarbamate
S-Propyl butylethylthiocarbamate(Pebulate)	thiocarbamate
Thiobencarb.....	thiocarbamate
Bromacil.....	uracil
Terbacil.....	uracil

The remaining pesticides in Group 1 no longer have registered food uses, and EPA has begun the process of proposing to revoke the tolerances associated with these pesticides.

(E,Z)-3,13-octadecadien-1-ol acetate and (Z,Z)-3,13-octadecadien-1-ol acetate.	.....
-Naphthyloxyacetic acid.....	.....
1-(8-Methoxy-4,8-dimethylnonyl)-4(1-metylethyl)benzene.	.....
1-methyl 2-[[ethoxy-[(1-methylethyl amino]phosphinothioyl)oxy)benzoate (Isofenfos).	.....

1-Triacontanol..... .....
2-Chloro-1-(2,4,5-trichlorophenyl) vinyl ....
dimethyl phosphate (Tetrachlorvinphos).
2-Chloro-N,N-diallylacetamide(Allidochlor) ....
2-(m-Chlorophenoxy) propionic ....
acid(Cloprop).
2,3,6-Trichlorophenylacetic ....
acid(Chlorfenac).
2,3,5-Triiodobenzoic acid..... ....
2,4-Dichloro-6-o-chloranilino-s-triazine ....
(Anilazine).
2,6-dimethyl-4-tridecylmorpholine..... ....
3,4,5-Trimethylphenyl methylcarbamate and ....
2,3,5-trimethylphenyl methylcarbamate.
3,5-Dimethyl-4-(methylthio)phenyl methyl ....
carbamate(Methiocarb).
Acetaldehyde..... ....
Alternaria cassiae..... ....
Ammonium nitrate..... ....
Ammonium sulphamate..... ....
Biphenyl..... ....
Butanoic anhydride..... ....
Butralin..... ....
Calcium cyanide..... ....
Calcium oxide..... ....
Captafol..... ....
Chlorosulfamic acid..... ....
Chlorthiophos..... ....
Copper acetate..... ....
Copper oleate..... ....
Copper linoleate..... ....
Copper sulfate monohydrate..... ....
Copper-zinc-chromate complex..... ....
Cyhexatin..... ....
Cyprazine..... ....
Dalapon..... ....
Dialifor..... ....
Dichlone..... ....
Dimethyl (2,2,2-trichloro-1- ....
hydroxyethyl)phosphonate.
Dioxathion..... ....
Ethyl formate..... ....
Ethyl 4,4- ....
dichlorobenzilate(Chlorobenzilate).
Fluchloralin..... ....
Fumaric acid..... ....
Glyodin..... ....
Hirsutella thompsonii..... ....
Hydrogen cyanide..... ....
Isobutyric acid..... ....
Isopropyl carbanilate (IPC)..... ....
Manganous dimethyldithio-carbamate (Manam) ....
Mefluidide..... ....
Methazole..... ....
Methyl eugenol and malathion combination.. ....
Methyl alpha-eleostearate..... ....
Methylene chloride..... ....
Metobromuron..... ....

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Monocrotofos	
N-Propyl isomer	
O-Ethyl O-[4-(methylthio)phenyl] S-propy phosphorothioate.	
Phosalone	
Phosphamidon	
Potassium carbonate	
Potassium polysulfide	
Potassium ricinoleate and related C12-C18 fatty acid salts.	
Ryania alkaloids	
S-2,3-Dichloroallyl diisopylthiocarbamate.	
sec-Butylamine	
Sesone	
Sodium benzoate	
Sodium dehydroacetate	
Sodium polysulfide	
Sodium propionate	
Sodium sesquincarbonate	
Sorbic acid	
Sorbic acid, potassium salt	
Sulfur dioxide	
Temefos	
Terbutryn	
Tetraethyl pyrophosphate	
Tetraiodoethylene	
Zinc sulfate, basic	
Zineb	
Group 2 Pesticides	
4-Aminopyridine	
Aromatic Solvents	
Cholecalciferol	
Clomazone	
Dodine	
Endothall	
Fosetyl-al	
Hydramethylnon	
Iodine-detergent complex	
Mercaptobenzothiazole,2-	
Methanearsonic Acid, Salts	
Napthaleneacetamide	
Napthaleneacetic acid	
Nicotine	
Nitrapyrin	
Pine oil	
Rotenone	
Ryanodine	
Sabadilla Alkaloids	
Sodium chlorate	
Sodium chlorite	
Tridiphane	
Urea sulfate	
Ametryn	1,3,5-triazine
Cyromazine	1,3,5-triazine
Prometryn	1,3,5-triazine
Fluazifop butyl, isomers	2-(4-Aryloxyphenoxy) propionic acid
N,N-Diethyl-2-(1-naphthalenyloxy)-propiionamide(Napropamide).	amide herbicide (aryloxyalkanamide)
N-1-Naphthyl phthalamic acid	amide herbicide

Propanil	amide herbicide (anilide)
2,6-Dichloro-4-nitroaniline(Dichloran)	aromatic hydrocarbon derivative
Chloroneb	aromatic hydrocarbon derivative
4-(2,4-Dichlorophenoxy) butryic acid (2,4-DB).	aryloxyalkanoic acid
MCPA	aryloxyalkanoic acid

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MCPB	aryloxyalkanoic acid
Mecoprop	aryloxyalkanoic acid
p-Chlorophenoxyacetic acid	aryloxyalkanoic acid
Abamectin	avermectin
Ethofumesate	benzofuranyl alkanesulfonate
Dicamba	benzoic acid
Clethodim	cyclohexanedione oxime
Sethoxydim	cyclohexanedione oxime
Chloropicrin	fumigant (halogenated)
Methyl Bromide	fumigant (halogenated)
Fenridazon-K	hybridizing agent
Imazaquin	imidazolinone
Imazethapyr, ammonium salt	imidazolinone
Methyl 2-(4-isopropyl-4-methyl-5-oxo-2-imidazolin-2-yl)-p-toluate and methyl 6-(4-isopropyl-4-metyl-5-oxo-2-imidazolin-2-yl)-m-toluate (Imazethabenz).	
Methyldithiocarbamate salts (metam sodium and potassium salt).	isothiocyanate
Metaldehyde	molluscicide
Fenbutatin-oxide	organotin
Carboxin	phenylamide
Flutolanil	phenylamide
Triforine	piperazine
Allethrin (allyl homolog of cinerin I)	pyrethroid
Bifenthrin	pyrethroid
Cyfluthrin	pyrethroid
Deltamethrin	pyrethroid
Fenpropathrin	pyrethroid
Fenvalerate	pyrethroid
Fluvalinate	pyrethroid
Lambda cyhalothrin	pyrethroid
Pyrethrin	pyrethroid
Resmethrin	pyrethroid
Tefluthrin	pyrethroid
Tralomethrin	pyrethroid
zeta-Cypermethrin	pyrethroid
Fluridone	pyridazinone / pyridone
Norflurazon	pyridazinone / pyridone
Pyrazon	pyridazinone / pyridone
Ethoxyquin	quinoline
Dimethipin	substituted dithiin
Bensulfuron methyl ester	sulfonylurea
Chlorimuron ethyl	sulfonylurea
Chlorsulfuron	sulfonylurea
Halosulfuron	sulfonylurea
Metsulfuron-methyl	sulfonylurea
Nicosulfuron	sulfonylurea
Primisulfuron methyl	sulfonylurea

Prosulfuron	sulfonylurea
Rimsulfuron	sulfonylurea
Thifensulfuron methyl	sulfonylurea
Triasulfuron	sulfonylurea
Triflusulfuron-methyl	sulfonylurea
Tribenuron methyl	sulfonylurea
n-Octyl bicycloheptenedicarboximide	synergist
Piperonyl Butoxide	synergist
Clofentezine	tetrazine
Diuron	urea
Fluometuron	urea
Linuron	urea
Tebuthiuron	urea
Thidiazuron	urea
Group 3 Pesticides	
Ammonia	
Benzaldehyde	
Benzoic acid	
Boric acid and its salts	

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Calcium hypochlorite	
Calcium polysulfide	
Candida oleophilia isolate I-182	
Carbon and carbon dioxide	
Carbon disulfide	
Chlorine gas	
Cinnamaldehyde	
Combustion gas product	
Copper carbonate, basic	
Copper	
Copper hydroxide	
Copper sulfate, basic	
d-Limonene	
Diatomaceous earth	
Food-use inert ingredients (see 40 CFR part 180.1001 for a listing of inert exemptions).	
Methyl anthranilate	
Mineral Oil	
Nitrogen	
Nosema locustae	
Oxytetracycline	
Polyoxymethylene copolymer	
Polyvinyl chloride	
Potassium oleate and related C12-C18 fatty acid potassium salts.	
Propionic acid	
Sodium diacetate (acetic acid)	
Sodium metasilicate	
Spinosad	
Streptomycin	
Xylene	
Dimethenamid, 2-chloro-N-[(1-methyl-2methoxy)ethyl]-N-(2,4-dimethylthien-3-yl)-acetamide.	amide herbicide
Isoxaben	amide herbicide
Beta-([1,1-biphenyl]-4-yloxy)-alpha-(1,1-dimethylethyl-1H-1,2,4-triazole-1-ethanol	azole

(Bitertanol).	
Tebufenozide.....	benzoic acid hydrazide
Bentazon.....	benzothiadiazole
(Z)-11-Hexadecenal.....	biopesticide
1,4-Dimethylnaphthalene.....	biopesticide
3,7,11-Trimethyl-1,6,10-dodecatriene-1-ol and 3,7,11-trimethyl-2,6,10-dodecatriene-3-ol.	biopesticide
6-benzyladenine.....	biopesticide
Acrylate polymers and copolymers.....	biopesticide
Allyl isothiocyanate as a component of food grade oil of mustard.	biopesticide
Ampelyoyces quisqualis isolate M-10.....	biopesticide
Aqueous extract of seaweed meal (Cytokinin).	biopesticide
Arthopod pheromones.....	biopesticide
Azadirachtin.....	biopesticide
Bacillus thuringiensis fermentation solids and/or solubles.	biopesticide
Bacillus subtilis MBI 600.....	biopesticide
Bacillus subtilis GB03.....	biopesticide
Bacillus popilliae & B. lentimorbus.....	biopesticide
Bacillus thuringiensis CryIIIA delta-endotoxin and the genetic material necessary for its production..	biopesticide
Bacillus thuringiensis CryIA(b)delta-endotoxin and the genetic material necessary for its production(plasmid vector pCIB4431) in corn..	biopesticide
Beauveris bassiana strain GHA.....	biopesticide
Biochemical pesticide plant floral volatile attractant compounds.	biopesticide
Burkholderia (pseudomonas) cepacia type Wisconsin isolate/strain J82.	biopesticide
Clarified hydrophobic extract of neem oil.	biopesticide
Codlure, (E,E)-8,10-Dodecadien-1-ol.....	biopesticide
CryIA(c) and CryIC derived delta-endotoxins of Bacillus thuringiensis var. kurstaki encapsulated in killed Pseudomonas fluorescens, and the expression plasmid and cloning vector genetic constructs.	biopesticide

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Delta endotoxin of Bacillus thuringiensis variety San Diego encapsulated into killed Pseudomonas fluorescens.	biopesticide
Delta endotoxin of Bacillus thuringiensis variety kurstaki encapsulated into killed Pseudomonas fluorescens.	biopesticide
Dihydro-5-pentyl-2(3H)-furanone.....	biopesticide
Dihyroazadirachtin.....	biopesticide
Egg solids, whole.....	biopesticide
Ethylene.....	biopesticide
Food and food by-products (meat meal, redpepper).	biopesticide
GBM-ROPE(Dodecenyl acetate).....	biopesticide
Gibberellic acid.....	biopesticide
Gibberellin A4 mix with G A7.....	biopesticide

Gliocladium virens G-21.....	biopesticide
Gossyplure.....	biopesticide
Ground Sesame Stalks.....	biopesticide
Heliothis zea NPV.....	biopesticide
Hexadecadienol acetates.....	biopesticide
Hydroprene.....	biopesticide
Inclusion bodies of the multi-nuclear polyhedrosis virus of Anagrapha falcifera.	biopesticide
Indole.....	biopesticide
Indole-3-butyric acid (IBA).....	biopesticide
Inert ingredients of semiochemical dispensers.	biopesticide
Isomate-C.....	biopesticide
Isomate-M (Dodecen-1-yl acetate).....	biopesticide
Jojoba Oil.....	biopesticide
Killed Myrothecium verrucaria.....	biopesticide
Lactic acid.....	biopesticide
Lagenidium giganteum.....	biopesticide
Lepidopteran pheromones.....	biopesticide
Menthol.....	biopesticide
Metarhizium anisopliae ESF1.....	biopesticide
Methoprene.....	biopesticide
Neomycin phosphototransferase II.....	biopesticide
Occlusion bodies of the Granulosis Virus of Cydiapomonella.	biopesticide
Oil of orange.....	biopesticide
Oil of lemon.....	biopesticide
Parasitic (parasitoid) and predatory insects.	biopesticide
Pasteuria penetrans.....	biopesticide
Pelargonic acid.....	biopesticide
Phytophthora palmivora, chlamydospores of.	biopesticide
Plant volatiles and pheromone(Dimethylcyclohexylidene acetaldehyde and Dimethylcyclohexylidene ethanol).	biopesticide
Poly-D-glucosamine (chitosan).....	biopesticide
Poly-N-acetyl-D-glucosamine.....	biopesticide
Polyhedral occlusion bodies of Autographa californica nuclear polyhedrosis virus.	biopesticide
Pseudomonas fluorescens Strain NCIB.....	biopesticide
Pseudomonas fluorescens 1629RS.....	biopesticide
Pseudomonas fluorescens 742RS.....	biopesticide
Pseudomonas syringae (ESC 11).....	biopesticide
Pseudomonas syringae (ESC 10).....	biopesticide
Pseudomonas fluorescens EG-1053.....	biopesticide
Pseudomonas fluorescens A506.....	biopesticide
Puccinia canaliculata.....	biopesticide
Sodium 5-nitroguaiacolate.....	biopesticide
Sodium p-nitrophenolate.....	biopesticide
Sodium o-nitrophenolate.....	biopesticide
Spodoptera exigua nuclear polyhedrosis virus.	biopesticide
Streptomyces griseoviridis.....	biopesticide
Tomato pinworm insect pheromone(Tridecenyl acetates).	biopesticide
Trichoderma harzianum, Rifai strain KRL-AG2.	biopesticide
Viable spores of the microorganism Bacillus thuringiensis Berliner.	biopesticide
Watermelon mosaic virus-2.....	biopesticide

Difenzoquat	bipyridylium
Diquat	bipyridylium
Chloro-N-(2-ethyl-6-methylphenyl)-N-(2-methoxy-1-methylethyl) acetamide.	chloroacetanilide

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Imidacloprid	chloronicotine
Ethephon	ethylene generator
Sodium tetrathiocarbonate	fumigant (miscellaneous)
Sulfosate	glyphosate salts
Pyridazinecarboxylic acid	hybridizing agent
Maleic hydrazide	hydrazide (plant growth regulator)
Cadre	imidazolinone
Pyridinecarboxylic acid, 2-(4,5-dihydro-4-methyl-4.	imidazolinone
Fluorine compounds(Cryolite)	Inorganic fluorine compound
(R)-2(2,6-dimethylphenyl)-methoxyacetylamino)-propionic acid methyl ester.	phenylamide
Mefenoxam	phenylamide
Metalaxyl	phenylamide
Glufosinate ammonium	phosphono amino acid
Glyphosate	phosphono amino acid
Flumiclorac pentyl	phthalimide
Cyano(3-phenoxyphenyl)methyl cis/tran-3-(2,2-dichloethenyl)-2-.	pyrethroid
Pyridate	pyridazinone/pyridone
Clopyralid	pyridine carboxylic acid
Picloram	pyridine carboxylic acid
Pyridinecarboxylic acid, 2-(difluoromethyl)-5-(4,5-dihydro).	pyridinecarboxylic acid
Fenarimol	pyrimidine
3,7-Dichloro-8-quinoline carboxylicacid(Quinclorac).	quinolinecarboxylic acid
Hexazinone	triazinone (triazine dione)
Flumetsulam	triazolopyrimidine sulfonanilide

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