

U.S. Senator Maria Cantwell

Senate Commerce Committee Hearing Nominations Hearing

Witnesses: Joel Szabat, of Maryland, to be Under Secretary of Transportation for Policy, U.S. Department of Transportation; Michael P. O’Rielly, of New York, to be a Member of the Federal Communications Commission; Nancy B. Beck, of New York, to be a Commissioner and Chairman of the Consumer Product Safety Commission; Michael J. Walsh, Jr., of Virginia, to be General Counsel of the U.S. Department of Commerce; and Mary A. Toman, of California, to be Under Secretary of Commerce for Economic Affairs, U.S. Department of Commerce

June 16, 2020

CANTWELL: Thank you Mr. Chairman. Today we have five nominees for key positions at several agencies. Let me start first with the nominee for Chairman and Commissioner for the U.S. Consumer Product Safety Commission. The Consumer Product Safety Commission has jurisdiction over thousands of consumer products including toys and many products used by infants and small children. The agency is literally the last line of defense against defects and toxic hazards in consumer products that can kill and cause serious injuries.

Unfortunately, Dr. Beck’s record is clear. She has repeatedly sided with industry to represent the American chemistry council over the safety of American families. I believe that she has a glaring failure in the lack of meaningful address to the health risk posed by a class of highly persistent chemicals referred to PFAS.

PFAS are a class of toxic chemicals that have been linked to cancers, thyroid disease, decreased response to vaccines, birth defects, and immune system disorders. These chemicals are found in many consumer products like carpets, clothing, paint, nonstick cookware, as well as firefighting foam that is used at military bases. In fact, they have contaminated over 300 military installations across the country, including several in the state of Washington.

Just last week, the Agency for Toxic Substances and Disease Registry, which is part of the Centers for Disease Control and Prevention, release PFAS exposure assessments for 333 people living near Fairchild Air Force base in Spokane. The assessment showed that almost all the people studied had PFAS levels higher than the national average.

Washington has been a leader in the nation in dealing with PFAS. It was the first state to ban the use of firefighting foam containing PFAS, as well as in food packaging, but it will cost billions of dollars to clean up the mess, much of that federal dollars, and millions of people will continue to be harmed from the exposures for years to come.

Dr. Beck has repeatedly stood in the way of progress on this issue. At EPA, Dr. Beck assisted in delaying the release of a government study which found that the EPA’s current Health Advisory for PFAS in drinking water was too weak to protect the public. The proposed Health Advisory would show that PFAS is dangerous at a much lower level than previously thought.

And as a White House official in an email to the Office of Management and Budget (OMB) deemed the report a “public relations nightmare,” impervious to the public health nightmare that was unfolding around the country with PFAS. In fact, the final report is still stuck at the White House, where Dr. Beck was detailed to work on environmental regulations for the National Economic Council.

This is one of the reasons why the Secretary of the Washington State Department of Health – where Dr. Beck has worked – sent me a letter yesterday strongly opposing her nomination. The International Association of Fire Fighters also strongly oppose her nomination, stating “[her] record promoting the interests of the chemical industry at the expense of workers’ health and safety makes her ill-suited for this position.” I will put these two letters, Mr. Chairman, in the record.

WICKER: Without objection, they’ll be placed in at this point.

CANTWELL: Thank you, Mr. Chairman.

CANTWELL: We cannot afford to go backwards on regulation of toxic chemicals like PFAS, which are often found in consumer products. And PFAS is not the only safety issue that I’m concerned about.

Dr. Beck’s efforts to implement overwhelming—efforts to implement the overwhelming bipartisan reform of the Toxic Substances Control Act led to the 9th Circuit saying that the Trump Administration was ignoring clear requirements of the law. And rather than addressing the science evidence showing that a toxic chemical, TCE, caused birth defects, Dr. Beck simply directed the Trump EPA to delete that evidence from the risk evaluation in the first place.

The Associated Press reported that at OMB, Dr. Beck was involved in a push to block the release of COVID-19 safety guidance to states and localities from the Center of Disease Control.

Now last December, we released a report about the serious recall process at the Consumer Product Safety Commission, including issues about strollers and serious injuries from infant sleepers. So I want to see someone at the leadership of the Consumer Product Safety Committee that will help us in protecting the public.

So, Mr. Chairman, I know we’ll hear from the witness, and I look forward to hearing what comments and having a chance to ask questions about these very important issues.

In addition, Michael Walsh is here, to serve as the General Counsel at the Department of Commerce. He has previously served at the Department Deputy General Counsel and the Chief of Staff and has now moved to Acting General Counsel.

Mr. Walsh appears to have been involved in efforts last summer to stifle career National Weather Service staff who attempted to correct President Trump’s erroneous statements about Hurricane Dorian.

Just yesterday, the NOAA released the findings of an independent review of allegations of misconduct related to Dorian, and two officials were found to have knowingly and willfully, or with reckless disregard, violate NOAA's own scientific integrity policy, and unnamed officials at the Department of Commerce were also implicated.

So Mr. Chairman, I ask that the assessment and that NOAA's responses to the IG be listed in the record.

WICKER: Without objection.

CANTWELL: I know the Department of Commerce Inspector General is currently also looking into this matter, so we will get the additions.

Mr. Walsh was apparently involved in efforts to obscure the origins of the ill-fated citizenship question on the 2020 Census from Secretary Ross and the White House, and so I look forward to asking questions about that.

Next Mr. Chairman, we have Mary Toman, who was nominated to serve as Undersecretary of Commerce for Economic Affairs. This position oversees both the U.S. Census Bureau and the Bureau of Economic Analysis, which puts critical economic information like the Gross Domestic Product (GDP) report.

And, as you mentioned, Joel Szabat to serve as the Undersecretary of Policy for the Department of Transportation. If confirmed, he would have a key position in matters like ensuring the safety of our transportation networks in the wake of COVID-19 and working on the surface transportation reauthorization bill.

And finally, Mr. O'Rielly to serve as a Commissioner on the FCC. Welcome back.

We have a lot to talk about – everything from the Ligado decision, to your views on the 5.9 gigahertz band to media ownership, and many, many other issues. So we'll look forward to a chance to ask you questions.

Again, Mr. Chairman, thank you for the time. I look forward to hearing from the witnesses.