

Statement of Representative Anna G. Eshoo
House Committee on Energy and Commerce
Full Committee Markup of H.R. 4775 and H.R. 4979
2123 Rayburn House Office Building
May 17, 2016

Mr. Chairman, thank you for calling this markup on two energy bills related to advanced nuclear technology and ozone pollution.

First let me say that I support the *Advanced Nuclear Technology Development Act*, put forward by Congressmen Latta and McNerney. My District is home to several advanced nuclear companies that are developing new reactor technologies that have the potential to reduce cost, increase efficiency, and significantly reduce the toxic waste and safety risks of nuclear power. H.R. 4979 advances this technology by promoting research and ensuring that federal regulators have a plan to license these technologies as they become commercially viable.

The other bill before the Committee today is an attack on the Clean Air Act and I cannot support it. By its name, the *Ozone Standards Implementation Act* is an effort to shape the EPA's process for implementing ozone limits which it does by delaying implementation of the latest standards by eight years. But this bill goes far beyond the EPA's revised ozone standards. H.R. 4775 is a direct attack on the Clean Air Act and the health-based pollution limits that have protected all Americans for decades.

H.R. 4775 eliminates the bedrock Clean Air Act principle that air pollution should be capped at a level that is protective of human health, regardless of the costs that doing so may impose. H.R. 4775 undercuts this science-based standard by requiring EPA to consider both the costs and technological feasibility of air pollution limits before they can be finalized. The determination of whether our air is safe to breathe should be a purely scientific determination, not an economic or technological one. The existing Clean Air Act structure permits economic and technological factors to be considered by states in the implementation phase, but not in the determination of what levels of pollution are protective of public health.

Since President Nixon signed the Clean Air Act into law in 1970, Congress has recognized that Americans have a right to breathe clean air. Under this irresponsible legislation, Americans would only have the right to breathe clean air if it wasn't too expensive for industry to limit their emissions. This is the wrong approach and I strongly urge my colleagues to oppose H.R. 4775.