



COMMITTEE ON
ENERGY & COMMERCE
DEMOCRATS
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Pallone Denounces Markup of GOP Bill Allowing Polluters to Override Scientists on Clean Air Standards

Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) today delivered the following remarks at the Energy and Commerce Committee markup of H.R. 4775, the “Ozone Standards Implementation Act of 2016;” and H.R. 4979, the “Advanced Nuclear Technology Development Act of 2016” :

Thank you, Mr. Chairman. Tomorrow, the full committee will be marking up two bills that came before the Energy and Power Subcommittee last week.

The first bill is H.R. 4979, the Advanced Nuclear Technology Development Act of 2016, which was introduced by Representatives Latta and McNerney. The bill would enhance coordination between the Nuclear Regulatory Commission and the Department of Energy through a memorandum of understanding on issues related to advanced nuclear reactor technology. I support this goal, and I commend Representatives Latta and McNerney for working together in a bipartisan manner to find ways for the federal government to support the advanced nuclear power industry.

On the other hand, the second bill – H.R. 4775, the “Ozone Standards Implementation Act” – is an irresponsible attack that strikes at the heart of the Clean Air Act and would undermine decades of progress on cleaning up pollution and protecting public health.

The bill’s sponsors say the goal of this legislation is to facilitate a more efficient implementation of EPA’s National Ambient Air Quality Standards by states. They say that all they want to do is streamline this process. And they say that the bill won’t roll back any of the public health protections afforded in the Clean Air Act.

But let’s not pretend that the legislative changes in this bill are simply tinkering around the margins of the Clean Air Act. This is a radical change, and weakening the protections of the law won’t make air pollution go away. All told, these provisions constitute an extreme attempt at systematically weakening the fundamental protections that the Clean Air Act provides to the American people.

First, the cornerstone of the Clean Air Act is a series of health-based air quality standards that EPA must set based solely on the latest science and medical evidence. Essentially, the standard sets the level of pollution that is “safe” to breathe. The law’s health-based standards help us ensure healthy air for everyone, particularly our most vulnerable populations, like children and the elderly. EPA sets the appropriate clean air goals and then the states decide how best to achieve those goals.

This harmful bill before us today would up-end this effective program by elevating cost and feasibility considerations in the standard-setting process, not just for ozone, but also for carbon monoxide, sulfur oxides, nitrogen oxides, particle pollution and even lead. This would allow polluters to override scientists, leading to air quality standards based on protecting corporate profits rather than public health.

The bill would also delay implementation of the new, more protective ozone standard by up to eight years, essentially denying the public the right to clean and healthy air that is long overdue.

The bill further delays healthy air by stating that the updated ozone standard doesn’t apply to any new or expanding sources until EPA jumps through additional procedural hoops, such as issuing more regulations and guidance. This loophole violates a simple principle – that a new facility should not increase local air pollution above levels that are safe to breath.

Finally, the legislation would drastically expand the Clean Air Act’s definition of “exceptional events” to include common weather events like hot days. This provision alters the way air quality data is interpreted, allowing many poor air quality days to be disregarded. It’s an environmental “don’t ask, don’t tell” designed to cover up reality by making it appear that air quality is improving when it is not.

My Republican colleagues like to say that we have made tremendous progress in reducing air pollution in this country, but that doesn’t mean that we no longer need the tools that got us here, or that the job is done.

We’ve made progress because Congress enacted a strong and effective Clean Air Act. As I said last week, if we weaken the law by passing bills like the “Ozone Standards Implementation Act,” then air quality will suffer, public health will suffer and we will throw away decades of progress.

H.R. 4775 is, simply put, a bad bill that should never have seen the light of day and should be stopped in its tracks here and now. I urge all my colleagues to join me in opposing the bill.

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