Opening Statement of the Honorable Ed Whitfield
Subcommittee on Energy and Power
Hearing on "The Energy Consumers Relief Act of 2013"
April 12, 2013

(As Prepared for Delivery)

On Wednesday, when the rest of us were gathered to talk about increasing U.S. energy security through legislation that would finally approve the 1,666 day-long delayed Keystone Pipeline, a pipeline that according to Pew, the American public supports by a margin of 66-23 percent, my colleagues, as they have done in every other hearing this subcommittee has conducted so far this Congress, were asking to debate the science of climate change.

You couldn't paint a picture that is more in contrast to two visions for the future. Some of my colleagues on the other side of the aisle vision a future, which they claim is driven by scientific models, of continued demand destruction mandates, new energy or carbon taxes, and back door cap-and-trade regulations. While our vision, a pathway to energy self-sufficiency, is focused on maximizing abundant, affordable, and diverse energy resources. Reducing emissions through technological development, economic competition, and market-based efficiencies, things that allow our economy and jobs to prosper, are very different from the solutions the current EPA and my colleagues on the other side of the aisle recommend.

The Waxman-Markey cap-and-trade bill failed in the Democratically-controlled Senate for a reason, and it is because consumers and the American public understand that we don't have to choose between the environment, and jobs and the economy with a command-and-control Washington-centric energy vision. Policies that increase energy costs on consumers only seek to drive more innovation and jobs offshore. And I would note, since the time of that bill's failure, we have seen innovation and job creation flourish in the U.S. energy sector, but the EPA is now regulating what the Obama administration failed to legislate and their regulatory assault on coal is only beginning to be realized.

We are now at the cusp of an industrial and manufacturing renaissance--- but this future can only be realized if we are able to continue to successfully harness our resources and maintain a diverse energy portfolio. New taxes, mandates, and back-door cap-and-trade policies only hold us back - and we can look to Europe and other economies as a real world case study on where that path takes us.

We are here today to debate a bill that seeks to keep us on this path to self-sufficiency by putting some inter-agency checks and balances on what many view as an agency who is single handedly controlling nearly all of the energy and environment issues facing our nation. The number of major new rules is like nothing I have seen before and is doing serious economic damage by reducing energy supplies, raising energy prices, risking job growth, jeopardizing competitiveness, and compromising reliability. It is time to restore balance to EPA's rulemaking process, and that is the goal of the "Energy Consumers Relief Act of 2013."

Specifically, the "Energy Consumers Relief Act" would require that, prior to finalizing a rule estimated to cost at least a billion dollars; EPA must first submit a concise cost analysis to Congress. This analysis will provide the public with greater transparency by requiring the inclusion of such things as the impact of the rule on gasoline or electricity prices, as well as any potential job losses.

At the same time, the rule would be subject to an independent analysis led by Department of Energy in consultation with the Federal Energy Regulatory Commission and the Energy Information Administration. DOE would then make an initial determination whether the rule increases energy prices for consumers, including low-income households, small businesses, and manufacturers.

Then, if the Secretary of Energy determines the rule would raise energy prices or impact fuel diversity, he is required to conduct a more extensive analysis in consultation with the Secretaries of Commerce and Labor and the Administrator of the Small Business Administration to determine if the identified energy impacts will have significant adverse effects on the economy, including impacts on jobs and economic growth. If the effects are in fact significant, then EPA may not proceed with the proposed rule.

And of course, this bill would increase the scrutiny of EPA's assault on coal. We have seen a number of costly rules affecting coal-fired electricity generation, and many more are in the works. But the agency's own discussion of the impacts of these rules on electricity costs, reliability, coal-related jobs, and American competitiveness has been woefully inadequate. Indeed, we are already seeing coal-fired power plant shutdowns at a much faster pace than anything EPA ever suggested. Under the "Energy Consumers Relief Act," these rules would finally be getting the cumulative analysis they warrant.

Overall, this bill would empower DOE to take a commonsense, look-before-you-leap approach to EPA's energy-related billion dollar rules. And given the prolonged weakness in the economy and stubbornly high gasoline prices and unemployment rates, it's a level of scrutiny that is long overdue and critical.

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