

Opening Statement of Chairman Fred Upton
Subcommittee on Energy and Power Markup of H.R. 4775, the “Ozone Standards
Implementation Act of 2016,” and H.R. 4979, the “Advanced Nuclear Technology
Development Act of 2016.”
May 11, 2016

(As Prepared for Delivery)

As we consider two bipartisan bills, the Ozone Standards Implementation Act of 2016 and the Advanced Nuclear Technology Development Act of 2016, we continue our work to protect what matters most to so many Americans - jobs, the economy, and public health.

It's tough to understand EPA's rationale for forcing states to simultaneously comply with two different ozone standards. At our hearing on this issue, we heard directly from state environmental officials who are on the frontlines - they explained the difficulties with EPA's complicated ozone regulatory scheme as well as the risks to the economies of areas not in compliance. In fact, this is precisely the kind of unnecessarily costly regulatory burden that the House leadership task force on regulatory reform is seeking to prevent.

Simply put, there is no significant environmental benefit to piling the latest ozone standards on top of existing standards that have not yet been fully implemented, but the combination of these two rules would discourage job-creating projects in many parts of the country. Opening a new business or expanding an existing one would become much more difficult in Michigan and other states facing implementation of these overlapping ozone standards. In southwest Michigan, in Allegan County, you could remove all of the human activity and the region would still be in non-attainment because of ozone generated in Chicago, Milwaukee, and Gary, Indiana. The very threat of being in noncompliance will chase away job creators and private investment. But that is exactly what is happening.

Making matters worse, the latest standards may not even be achievable in some parts of the country. In its final rule, EPA admitted that it was unable to identify the currently-available technologies that could bring all of the country into compliance.

The Ozone Standards Implementation Act of 2016 takes the commonsense step of implementing its two ozone rules sequentially instead of simultaneously. The 2008 standards and other federal regulations already in place would continue to bring down ozone levels until 2024, when the newer standard would be implemented. The bill also revises the statutory requirement that the National Ambient Air Quality Standards be reviewed every five years, which has proven to be unworkable. Instead, it sets the mandatory review period at ten years, but gives the EPA administrator the discretion to review the standards earlier if circumstances warrant. It also adds discretion to consider technological feasibility when establishing future air quality standards, and would ensure that implementing regulations are concurrently published with a new standard.

We also will consider the Advanced Nuclear Technology Development Act which helps assure that Nuclear Regulatory Commission personnel have the expertise and the resources they need to review license applications for the latest in advanced reactor technologies. We can't allow these exciting new breakthroughs to be held up because regulators are only comfortable dealing with decades-old technologies. This bill helps give us an NRC that is better prepared for the present and the future.

These two bipartisan bills ensure continued protection of the environment and public health, but in a manner that is reasonable and that also protects jobs and economic growth. I urge support for both these balanced and commonsense bills.

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