

**Opening Statement of the Honorable Joe Barton  
Chairman Emeritus, Committee on Energy and Commerce  
Subcommittee on Environment and the Economy  
Hearing on “The Role of the States in Protecting the  
Environment Under Current Law”  
February 15, 2013**

Thank you Chairman Shimkus for holding this hearing. My home state of Texas has been and is currently capable, active, and effective in protecting the environment and public health of Texans. I find it disingenuous for the Federal Government and in particular the Environmental Protection Agency (EPA) and the Department of Energy (DOE) to think that they are the only ones that can do this effectively. The same is true of the other states that sent governmental representatives here today to testify.

The recognition that it is the states rather than the feds that can best regulate their domestic oil and gas productions, especially when it comes to emerging and innovative technologies, was spelled out in the Energy Policy Act of 2005, which passed through this Committee when I was Chairman. Back then, this Committee recognized the importance of hydraulic fracturing and expressly revised the Safe Drinking Water Act term “underground injection” to exclude “the underground injection of fluids or propping agents pursuant to hydraulic fracturing operations related to oil, gas, or geothermal production activities.”

There is a company in my district and several other companies in Texas that are investing in researching reduced or waterless fracking technologies. This kind of innovation should be encouraged by local and federal agencies and these agencies should maintain oversight throughout the process so they understand the environmental and public health impacts instead of guessing at them.