

Opening Statement of the Honorable John Shimkus
Subcommittee on Environment
Hearing on “Modernizing Environmental Laws: Challenges and
Opportunities for Expanding Infrastructure and Promoting Development
and Manufacturing”
February 16, 2017

(As prepared for delivery)

Welcome to the Environment Subcommittee’s first hearing of the 115th Congress.

The topic of the hearing today reflects what is going to be one of the themes of our legislative work this Congress. And that is to identify the best ways to modernize the statutes within our jurisdiction in ways that deliver effective, environmental protections and remove unnecessary barriers to expand economic opportunity in communities around the nation.

We will be returning to this topic a lot in coming months. Today focuses on challenges to economic development under certain laws and policies administered by the Environmental Protection Agency. We will be taking testimony to help us to identify practical solutions and statutory updates that will accelerate the development of infrastructure and manufacturing.

In a future hearing, we will be looking at similar challenges at the Department of Energy. In particular, we will be working to update and ensure more rapid implementation of our nation’s nuclear waste management policy.

As we know from extensive Committee oversight, getting our nation’s used fuel management program back on track will result in a path to reinvigorate the nuclear energy sector, save taxpayers billions of dollars in liability costs, and unlock tens of billions of dollars for construction and associated infrastructure projects.

The benefits of good jobs and strong communities that result from this kind of economic activity can be difficult to measure fully—but that makes them no less real.

And so as we look at how to modernize environmental laws we should always keep in mind the intangible good that comes from enabling people to have the economic wherewithal to live healthier and safer lives.

These community-strengthening benefits of economic development are central to the goals of the EPA's Brownfields program. This program incentivizes states, local governments, and private stakeholders to clean up under-used or abandoned industrial and commercial properties and to return them to beneficial use.

There are more than 450,000 brownfields sites in the United States. In many communities across the nation, brownfields contribute to the blight that depresses property values, inhibits development, and contributes to economic stagnation.

Cleaning up these sites and returning them to productive use is great for the economy because brownfields grants can be directly leveraged into jobs, additional redevelopment funds, and into increased residential property values so it offers the kind of community boost we want from good environmental policies.

While the Brownfields Program seems to be working, there is always room for improvement so we today welcome Mayor Jon Mitchell from New Bedford, Massachusetts. Mayor Mitchell has developed solar projects on contaminated sites which is also something that is happening near my district in East St. Louis. Turning contaminated sites into solar seems like an excellent way to develop infrastructure while addressing blighted areas within our communities.

In the implementation of our air laws, the states, localities, and the private sector all face challenges in developing new infrastructure or manufacturing projects.

As noted in past Committee hearings, when companies seek to invest in large capital projects, they need realistic and predictable project timelines. This is necessary to plan designs, procurement, installation, and operations. Yet uncertainties in the process for obtaining air permits can lead to costly delays and decisions not to invest in these projects.

EPA is required to make new source permit decisions one year after a completed application is filed. An analysis that looked at preconstruction permits for power plants and refineries, however, found that while permits in the late 1990s averaged around 160 days, from 2002 to 2014 it took an average 480 days to issue a decision on a permit application.

In other cases, we see EPA setting new air standards, but failing for years to issue implementation regulations. EPA took nearly seven years to issue guidance on how

to comply with its 2008 ozone standards. It took more than three years to issue final implementation regulations for its 2012 particulate matter standards.

The unnecessary delays for project developers and city and state planners just add up and result in the costly waste of time and project investments idling on the sidelines.

We should be able to do better than this. In today's modern economy, it makes no sense that we cannot have more efficient permitting processes or more timely guidance from the regulatory agencies.

Our witnesses today will provide local, state, and national perspectives that should help guide us as we consider commonsense measures to expand economic opportunity by modernizing certain environmental statutes.

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