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SHORT-CIRCUITING PROGRESS: HOW THE CLEAN AIR ACT IMPACTS BUILDING NECESSARY INFRASTRUCTURE AND ONSHORING AMERICAN INNOVATION

WEDNESDAY, JUNE 11, 2025

House of Representatives,

Subcommittee on Environment,

Committee on Energy and Commerce,

Washington, D.C.

The subcommittee met, pursuant to call, at 10:15 a.m., in Room 2322, Rayburn House Office Building, Hon. H. Morgan Griffith [chairman of the subcommittee] presiding.

Present: Representatives Griffith, Crenshaw, Latta, Carter of Georgia, Palmer, Joyce, Weber, Pfluger, Miller-Meeks, Langworthy, Fedorchak, Guthrie (ex officio), Tonko, Schakowsky, Ruiz, Peters, Barragan, Soto, Auchincloss, Carter of Louisiana Menendez, Landsman, and Pallone (ex officio).

Also Present: Representative Dingell.

Staff Present: Ansley Boylan, Director of Operations; Byron Brown, Chief Counsel; Jessica Donlon, General Counsel; Sydney Greene, Director, Finance and Logistics; Emily Hale, Staff Assistant; Christen Harsha, Senior Counsel, Environment; Calvin Huggins, Staff Assistant; Megan Jackson, Staff

Director; Ben Mullaney, Press Secretary; Kaitlyn Peterson, Clerk, Energy; Matt VanHyfte, Communications Director; Katharine Willey, Senior Counsel; Giancarlo Ceja, ENV Fellow, Minority; Timia Crisp, Minority Professional Staff Member; Waverly Gordon, Minority Deputy Staff Director and General Counsel; Tiffany Guarascio, Minority Staff Director; Caitlin Haberman, Minority Staff Director, Environment; and Kylea Rogers, Minority Policy Analyst.

Mr. Griffith. It looks like everybody has taken their seats. I appreciate that. And I will call the subcommittee on the environment to order. The chair now recognizes himself for 5 minutes for an opening statement.

Today this subcommittee begins efforts to modernize the Clean Air Act. The Act was last amended in a consequential way in 1990 with Energy and Commerce Chair John Dingell being a driving force in that bicameral comprise.

The Clean Air Act has been effective. According to EPA's 2023 air quality statistics report, since the Clean Air Act amendments were past in 1990 there has been a 79 percent reduction in carbon monoxide, a 92 percent reduction in sulfur dioxide, or SOx, and a 55 percent reduction in nitrogen dioxide, or NOx.

Since 2000 we have seen a 42 percent reduction in particulate matter 2.5, which are inhalable particles measuring less than 2.5 micrometers. The Clean Air Act's national attainment air quality standard or -- standards, or NAAQS standards, setting and permitting programs with each new review.

EPA generally sets new lower -- with each new review EPA generally sets new lower pollution allowances, and over time these newer standards have had the tendency to pass the point of diminishing returns.

Accordingly, if you are an industrial plant wanting to build in this country, you may have to wait until another plant goes out of business and you can take over their permit. This is not a path for economic prosperity.

Additionally, I don't believe that banning new industrial activity in the United States was what the authors of the Clean Air Act were aiming for.

It was a tough compromised bill meant to have each State scrutinize major sources and think about air permit planning, industry concentration, and air quality in unfavorable geographic settings.

The Act was written to get industry to re-examine its operations and control pollution by investing in and implementing innovative technologies. It worked. But now we have to examine the law in light of little additional public health gain at the expense of paralyzing nationally important industries. And that health gain, what I am talking about is the fact that we continue to lower the amount of pollutants allowed.

We need to begin a modernization effort by examining draft legislative proposals to reform the out-of-date NAAQS process. As we heard in our recent full committee hearing, overly restricted air regulations have curtailed some domestic investment in important semiconductor plants and data centers, which in turn could jeopardize America's ability to be able to compete in the global artificial intelligence race.

One of the draft bills we are discussing today would improve the processes EPA uses to identify NAAQS, pollutants and ceilings, and then for States to implement those new standards.

Under the Clean Air Act, acts NAAQS program, the EPA sets standard for six criteria pollutants, like ground-level ozone and particulate matter.

Historically the Clean Air Act required the EPA to review NAAQS standards, and if appropriate, issue new limits at 5-year intervals. The EPA has consistently missed statutory deadlines for both reviewing standards, and for providing implementation guidance to the States which has led to litigation in some cases.

These proposals will enable more reasonable requirements that States can actually implement. That is why the Clean Air Act and Economic Advancement Reform Act that we are talking about today would lengthen that interval to 10 years, and allow the EPA administrator to consider whether it was likely the standard -- whether it was likely the standard can actually be attained.

Additionally, the bill would require the EPA to consider the economic feasibility of these new standards.

The bill would also allow for naturally occurring air pollution events, such as wildfires, not to count against NAAQS emission averages for a particular State.

The other bill, the Clean Air and Building Infrastructure Improvements Act, has to do more specifically with the most recent PM 2.5 rule that really would cripple a lot of industry by reducing the limit from 12 micrograms per cubic meter of air to 9 micrograms per cubic meter of air.

Further, it allows for an easier pre-construction permitting process.

Protecting our environment and our economy do not have to be mutually exclusive goals, but in order to achieve both we must rethink how our country classifies pollution levels outside of our control.

The EPA is still in the process of updating various air quality standards. As that work continues, Congress must ensure States and employers aren't unfairly penalized by impractical or burdensome new rules which could hurt our national security, and our economic competitiveness.

I look forward to learning from our expert witnesses who have extensive experience in implementing and complying with NAAQS standards under the Clean Air Act.

With that I yield back, and now recognize the gentleman from New York for his opening statement.

[The prepared statement of Mr. Griffith follows:]

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97 ******** COMMITTEE INSERT ********

Mr. Tonko. Thank you, Mr. Chair, and welcome to our witnesses.

For almost as long as I have served on this committee, Republicans have tried and failed to enact the proposals before us today. These bills do not represent new and innovative solutions specifically tailored to meet our current policy changes, or challenges, including addressing growing electricity demand.

They are the same tired ideas that suggest Americans should expect to live with unsafe air quality if the rules necessary to protect them would cut into polluter's profits.

I am certain that members from both sides of the aisle will celebrate the success of the Clean Air Act, which has resulted in significant reductions in air pollution while our economy has grown. But the majority tends to believe that this is evidence that the job is done and we should dramatically change the law.

I on the other hand take the exact opposite lesson. The Clean Air Act is working, and there is still considerable work for the law to do.

The American Lung Association's 2025 State of the Air Report found that even after 5 decades of the Clean Air Act, 46 percent of Americans, more than 156 million people are living in places with unhealthy levels of ozone or particle pollution. Two of the pollutants addressed by the National Ambient Air Quality Standards, or NAAQS.

Now, as I said, the proposals before us today are not new, but there is some new and important context for us to discuss.

First, 3 weeks ago House Republicans past their big ugly bill, which according to the nonpartisan congressional budget office would result in 16 million Americans losing their healthcare. Now, the proposals today add insult to injury pushing us toward a future where hospitals, already

under financial pressure, will have to deal with more cases of asthma, of COPD, and other health consequences of increased air pollution affecting millions more as uninsured Americans.

Second, the Trump administration intends to attempt to roll back the 2024 standard for fine particulate matter. EPA previously estimated that this standard will result in some $46 billion worth of net benefits in 2032, including 4,500 avoided premature deaths, 800,000 avoided asthma attacks, and nearly 300,000 avoided missed days of work each year.

So the 2024 standard for fine particulate matter is expected to provide such significant benefits to the American people because NAAQS are required by law to be protective of our health without consideration of cost. But the proposals before us today would drastically weaken the process to set standards based on the latest science. They would double the amount of time between reviews of standards and inject cost considerations and attainability into the standard-setting process.

I also find it unfortunate that the majority's hearing title would lead us to believe that the Clean Air Act is stifling American innovation, and yet House Republicans continue to sit on their hands while the Trump administration dismantles all of the conditions that have historically made the United States an engine for innovation.

President Trump is proposing devastating funding cuts to the Federal research enterprise, NSF, NIH, NOAA, NOAA, and other critical research agencies. This will ensure that America fails to train the next generation of great scientists, engineers, and other innovators who do rely on Federal dollars to achieve their advanced degrees and conduct cutting-edge research.

DOE's industrial programs, NIST manufacturing extension partnership, and other programs that American manufacturers rely upon are also under threat. The Trump administration has caused an uncertain and an unstable investment environment with its unstrategic and ever-changing tariff

policies, and Republicans have demonstrated a willingness to jeopardize private sector investments by seeking to abruptly end energy tax incentives.

Even Federal contracts are no longer worth the paper they are printed on following the arbitrary and unlawful terminations of many finalized agreements. These actions are having a chilling effect on private sector investment, the American research community, and other entities that are critical to the future competitiveness of our economy. These are not the actions of a government that is serious about fostering innovation.

But rather than criticize the Trump administration, we are back to undermining environmental protections and trying to convince Americans that we simply cannot afford safe healthy air. I am certain there is evidence going back decades of industries claiming each and every past NAAQS standard has been unachievable or would cause irrevocable economic harm. But the sky has never fallen. The Clean Air Act has worked and worked effectively as intended, and it continues to protect Americans' health while enabling economic growth.

These goals are not at odds, but unfortunately the proposals we are examining today do not share that view. And with that, Mr. Chair, I yield back.

[The prepared statement of Mr. Tonko follows:]

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Mr. Griffith. The gentleman yields back. I now recognize the chairman of the full committee, the gentleman from Kentucky, for 5 minutes for his opening statement.

The Chair. Thank you. Thank you, Chairman Griffith, for this hearing, and welcome my Ranking -- friend Ranking Member Tonko, and all the witnesses for being here today.

And we are continuing our important work finding commonsense solutions to reduce unreasonable regulatory burdens while continuing to protect our environment. Unfortunately, over the last 4 years the onslaught of the Biden-Harris administration regulations under the Clean Air Act created significant regulatory burdens for the American electric, power, manufacturing and transportation sectors. We were recently reminded of this when we held a full committee hearing on artificial intelligence and heard testimony about the critical need to support and accelerate AI technologies.

In that hearing, industry experts repeated the same concerns many of us have heard from small businesses and manufacturers, the overall regulatory environment and permitting processes, in particular, are overburdensome and inefficient here in the United States.

As we will hear today, the economic impact of harmful regulatory burdens promulgated during the Biden-Harris administration tolled nearly $1.8 trillion. A historical record. Amazingly, more than 70 percent of that cost was imposed by the EPA, much of it from the Clean Air Act rules.

The last time Congress meaningfully amended the Clean Air Act was 1990. 35 years ago. We have learned a lot, and seen a lot of environmental progress since then.

In the decades since congress first past the Clean Air Act, air quality in the United States has dramatically improved. Criteria air pollutants are down 73 percent since 1980 according to the

World Health Organization, and U.S. has the some of the lowest particulate matter levels in the world.

The progress that we have seen does not mean the Clean Air Act cannot be reviewed and modernized. Some of the Clean Air Act's provisions are unclear, outdated, and do not reflect the world we live in today.

This trend is illustrated by the Biden-Harris National Ambient Air Quality Standards, or NAAQS, for particulate matter.

A prime example of the need for reforming and updating the flawed system used for setting and reviewing Clean Air Act regulations, the Biden rule will force large portions of the country into nonattainment status, which will block new development, halt modernization and stunt job growth.

In their testimony in April, witnesses in our AI hearing pointed to the particulate matter rule as a significant barrier when they look to onshore American innovation. They noted that as currently implemented the rule would limit opportunities for American manufacturing.

These overly restrictive regulations have pressed domestic investments in semiconductor plants, data centers, jeopardizing America's ability to compete in the global AI race.

On top of unreasonable compliance costs and complexity, these regulations also fail to fulfill the promise of the Clean Air Act. A majority of emissions measured in NAAQS are from sources outside of a manufacturer's control.

American industry propelled the innovation that made our air cleaner, and yet they are being penalized for factors unrelated to their operation.

A few weeks ago EPA Administrator Lee Zeldin testified before this subcommittee about his efforts to address the significant regulatory burdens promulgated during the Biden-Harris

administration and have oppressed economic development without spurring meaningful improvements to environmental protection. Now it is our turn to do the same.

The discussion draft before us today are based on legislation considered by this committee in previous Congresses and offered commonsense practical solutions to remedy significant flaws in the current NAAQS process. The panel of witnesses are uniquely well qualified to discuss the compliance nature of the NAAQS program and its need of reform.

And I thank Congressman Allen and Congressman Carter for their leadership on these bills, and I look forward to working with the rest of the members of the committee as we consider additional proposals on how to best modernize the Clean Air Act. And I look forward to today's discussion, and I yield back.

[The prepared statement of The Chair follows:]

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Mr. Griffith. The gentleman yields back. The chair now recognizes the ranking member of the full committee, the gentleman from New Jersey, for 5 minutes for his opening statement.

Mr. Pallone. Thank you, Mr. Chairman. Today we are examining two Republican draft bills that, once again, put corporate polluters over people and will make the American people sicker. With these discussion drafts, Republicans are altering the fundamental premise of the Clean Air Act and threatening our ability to ensure Americans have clean and healthy air to breathe.

For over 50 years the environmental protection agency has had the authority and obligation to set national ambient air quality standards, or NAAQS, and these health-based standards essentially set the level of pollution that is safe to breathe, and they are based solely on the latest science and medical evidence.

Since 1970, the standards have been the foundation of the Clean Air Act resulting in healthier air, while our economy has grown. And we are air pollution poses serious and significant health risks to communities every day. Even short-term exposure can cause aggravated asthma attacks, acute bronchitis, and increased susceptible to respiratory infections. Pollution is dangerous. Plain and simple. And Americans have a right to clean, safe air.

And that is why I was pleased that last year EPA strengthened the NAAQS for fine particulate matter, also known as PM 2.5, the new standard has tremendous health benefits, it will save Americans up to $46 billion in 2032 in healthcare costs alone. It will also prevent asthma attacks, loss workdays and 1,000s of premature deaths.

But Trump's EPA is abandoning that effort. My Republican colleagues now want to double down on the administration's actions by resurrecting bills that sell out the health of families and children to line the pockets of big corporate interests, and they work to steal healthcare from 16

million people, you know, in their big ugly bill, but at the same time they are pushing proposals that will make people sick.

The discussion draft before us today would allow industry profits to override science in setting air quality standards, provide amnesty to new polluting facilities at the expense of existing ones, and remove incentives to cut pollution.

They would also weaken and delay the fundamental protections in the law, virtually guaranteeing that people living in areas with poor air quality will continue to breathe unhealthy air.

And these pieces of legislation are not new. Over the last decade Republicans have pushed these proposals through the committee several times. They can try to claim these drafts will not increase air pollution, but any time you put polluter's bottom line over public health, the result is dirtier air and sicker people.

Our experience with the Clean Air Act tells us that we do not need to choose between the health of our communities and a healthy economy. We can and must have both.

So before I close, I did want to ask the chairman a question about our committee rules. As you know, our rules require that the, quote, date, time, place and subject matter of any hearing of the committee shall be announced at least one week in advance of the commencement of such hearing, unquote, unless there is a determination of a good cause exception.

For at least the last decade the subject matter of a legislative hearing has been interpreted to include announcing of the title of any legislation to be discussed and circulating a copy of the legislative text. However, the notice for today's hearing did not include an announcement that legislation would be the topic of today's hearing, and did not include a copy of any legislative text.

My staff did receive communications from the chairman's staff just prior to the notice circulating that you intended it to be a legislative hearing, but they did not receive a copy of the two

committee prints until last Thursday, one day after the hearing was noticed, and Republicans then circulated two new versions of committee prints with the memo on Monday.

So this is not, as you know, Mr. Chairman, the way the committee works. When Republicans choose not to provide the legislative text with a notice, it hinders our ability to prepare for this hearing, including our ability to discuss the subject matter with potential witnesses. And that is why it is imperative that the notice include both the title of any legislation being discussed, and the copies of the legislative text consistent with longstanding committee procedure.

So, Mr. Chairman, I was going to confirm, I would like to confirm that moving forward the notice for legislative hearing will include the name of any legislation to be discussed, and a copy of the legislative text, unless, of course, we go through the procedure to invoke a good cause exception. I was just going to ask the chairman to respond.

[The prepared statement of Mr. Pallone follows:]

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Mr. Griffith. Does the gentleman from New Jersey yield time to the gentleman from Kentucky.

Mr. Pallone. Absolutely.

Mr. Griffith. The gentleman from Kentucky.

The Chair. Thank you. Thank the gentleman for yielding. And the committee rules do not require legislative text to be made available in advance of the hearing, including a legislative hearing. I understand that this is the precedent this committee typically follows, that text is released with the hearing notice. We intend to continue to follow this committee precedent when at all possible.

However, like when you were chair, we reserved the right to deviate from that, and my understanding is that the issue that you described is we presented legislative text, we did submit another piece of update legislative text after the hearing was noticed, and that was because someone from Ledge Counsel was absent. And so we will do -- we couldn't help that, but we will do whatever is within our ability to follow the precedent.

Mr. Griffith. The gentleman from New Jersey.

Mr. Pallone. I just want to be sure I understand, Mr. Chairman, you are saying while it is not a requirement of the rules, what I articulated, that you are willing to follow it as a committee precedent.

The Chair. Everywhere where practicable, yes.

Mr. Pallone. All right. I appreciate that. Thank you.

Mr. Griffith. Does the gentleman from New Jersey yield back.

Mr. Pallone. I yield back.

Mr. Griffith. The gentleman from New Jersey yields back.

Now I will conclude with member opening statements. The chair would like to remind the members that pursuant to the committee rules, all member's opening statements will be made part of the record.

We want to thank our witnesses for being here today and taking the time to testify before the subcommittee. Although it is not the practice of this subcommittee to swear witnesses, I would remind our witnesses that knowingly and willingly making material false statements to the legislative branch is against the law under Title 18 Section 1001 of the United States code. You have the opportunity to give an opening statement followed by questions.

Our witnesses today are Mr. Chad Whiteman, Vice-President of Environmental and Regulatory Affairs at the U.S. Chamber of Commerce. Thank you for being here.

Mr. James W. Boylan, Chief of Air Protection Branch of the Georgia Environment Protection Division. Thank you for being here, sir.

Mr. John Walke, Director of Federal Clean Air and Senior Attorney, Environmental Health, at the Natural Resources Defense Counsel. Thank you, sir.

And Mr. Paul Noe, Vice-President of Public Policy at the American Forest and Paper Association. Thank you for being here, sir.

We appreciate all of you being here today. And I now recognize Mr. Whiteman for his 5 minutes to give an opening statement.

STATEMENTS OF CHAD WHITEMAN, VICE-PRESIDENT OF ENVIRONMENTAL AND REGULATORY AFFAIRS, U.S. CHAMBER OF COMMERCE; JAMES W. BOYLAN, CHIEF OF AIR PROTECTION BRANCH, GEORGIA ENVIRONMENT PROTECTION DIVISION; JOHN WALKE, DIRECTOR, FEDERAL CLEAN AIR, SENIOR ATTORNEY, ENVIRONMENTAL HEALTH, NATURAL RESOURCES DEFENSE COUNSEL; AND PAUL NOE, VICE-PRESIDENT, PUBLIC POLICY, AMERICAN FOREST AND PAPER ASSOCIATION

STATEMENT OF CHAD WHITEMAN

Mr. Whiteman. Good morning. Thank you, Chairman Guthrie, Ranking Member Pallone, and Subcommittee Chairman Griffith and Ranking Member Tonko, and distinguished members of the subcommittee for the opportunity testify today on behalf of the business community regarding recent air quality regulations.

I am Chad Whiteman, Vice-President of Environment and Regulatory Affairs for the Global Energy Institute at the U.S. Chamber of Commerce.

As we discuss the Clean Air Act's impact to building infrastructure and onshoring American innovation, I would like to focus on how the national ambient air quality standards, the NAAQS, program impacts our ability to meet growing energy needs, reshoring manufacturing and securing our supply chains. Specifically there are five points that I would like to make today.

First, we must right size regulations to support economic growth and innovation. While balanced regulations can provide clarity that help implement the laws past by Congress in a manner that maximizes innovation and choice, when not properly constructed regulations become a form of

government micromanagement that eliminates the ability to do what people in the free markets do best, innovate.

The lack of innovation stifles economic growth. And echoing what Representative Guthrie stated in his opening statement, the wave of regulations issued over the prior 4 years has raised concerns about the economic impact due to their cumulative $1.8 trillion price tag. A historic record that may be underestimated.

More than 70 percent of those costs on the public were imposed by the environmental protection agency, and the vast majority of those came from the air regulations like the NAAQS.

Second, over the past several decades the United States has made remarkable progress in improving air quality. Since 1970, emissions of key pollutants has significantly decreased thanks to a collaborative efforts of businesses, States and Federal Government. The Clean Air Act has been instrumental in driving these improvements.

Since 2000, emissions of pollutants such as sulfur dioxide, nitrogen oxides, and particulate matter have decreased by 87, 54 and 37 percent respectively.

These emission reductions have all occurred while gross domestic product, vehicle miles traveled and population have all increased.

The United States has some of the best air quality in the world with particulate matter levels up to 431 percent lower than other major economies thanks to steady reductions in pollutants over the last several decades.

Third, most fine particulate matter now comes from nonindustrial sources. As EPA's data shows, 84 percent of particulate matter emissions now come from sources like wildfires and road dust that are costly and hard to control. While EPA technically offers exemptions for wildfires under the Clean Air Act's exceptional events program, the process is time consuming and difficult for States

to navigate involving extensive documentation and analysis. For one State, 70 percent of their past exemption requests were denied.

On top of the challenges, the regulatory program may currently restrict these types of exemptions. Amendments like those included in the CLEAR Act would help address this.

Fourth, the 2024 particulate matter standards will cause permitting gridlock across our economy. Unless the 2024 rule is rescinded, it will block the permitting of new manufacturing facilities and associated good paying jobs pushing investment overseas just at the time when we are trying to bring back manufacturing and stronger supply chains.

The rule will also prevent the delay and construction of roads, bridges and other infrastructure funded by legislation recently past by Congress.

Fifth, and finally, small businesses, homeowners and families could bear disproportionate burden of these regulations. Increased compliance costs and administrative complexity can particularly be challenging for small businesses, limiting their ability to grow and compete.

Furthermore, EPA -- for instance, in EPA's cost analysis, the agency identified various compliance pathways for tighter particulate matter standards, including the possibility of States requiring small businesses such as restaurants to install costly equipment -- and requiring homeowners to replace wood fireplaces with natural gas logs.

Furthermore, EPA failed to identify cost effective and technologically achievable pathways for complying with tighter standards as the agency only analyzed costs of partial compliance.

I would like to close by reaffirming the business community's support for efforts to improve air quality. The chamber looks forward to working with policymakers on a reasonable regulatory approach that would achieve our shared goals of improving air quality and unleashing economic prosperity.

Again, thank you for the opportunity to testify today, and I am looking forward to answering your questions.

[The prepared statement of Mr. Whiteman follows:]

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Mr. Griffith. Thank you, gentleman. I now recognize Dr. Boylan for your 5 minutes of opening statement.

STATEMENT OF JAMES W. BOYLAN

Dr. Boylan. Good morning, Chairman Griffith, Ranking Member Tonko, and members of the subcommittee. My name is Jim Boylan, and I am honored to testify before you as the Chief of the Air Protection Branch at the Georgia Environmental Protection Division. Today I am here to discuss the national ambient air quality standards and the impact on State regulatory agencies, and the regulated community.

My remarks will focus on two components of the NAAQS. The setting of the NAAQS, and the implementation of the NAAQS. The NAAQS setting process involves the development and review of multiple documents. The time to develop and review each document can be substantial since some of these documents can be over a 1,000 pages long.

Currently the NAAQS review process is required to be repeated for ozone, particulate matter, sulfur dioxide, nitrogen dioxide, carbon monoxide, and lead every 5 years. There simply is not enough time to squeeze in all this work within a 5-year cycle.

As far as I am aware, EPA has only completed a NAAQS review within the statutory 5-year cycle one time since the establishment of the program and the Clean Air Act in 1970. Extending the time lines for NAAQS reviews from 5 to 10 years would give EPA the time needed to develop new standards without being rushed.

In addition, this change would bring about more stability and certainty for State air pollution control agencies and industry.

Protecting public health is the core responsibility of Georgia EPD, and we will always prioritize that. However, there is likely room for some balance in the NAAQS review process.

The proximity of new standards to background levels puts many States in a situation where the new standard is not achievable for reasons that are beyond a State's control. Therefore, the EPA administrator should be allowed to consider likely attainability of the standard as proposed NAAQS levels approach background concentrations.

The Clean Air Science Advisory Committee, or CASAC, serves a critical role in the NAAQS setting process by providing independent expert feedback on various aspects of the NAAQS.

I had the pleasure to serve on the CASAC from 2017 to 2023, and was one of only two people selected to serve on the CASAC under both the Trump and Biden administrations. I have seen firsthand the imbalance that is caused by stacking the CASAC with mostly academic researchers.

While academic researchers have a good understanding of the underlying science, they do not always have a practical understanding of how science is translated into the NAAQS. State irregulatory agencies possess specialized expertise and practical knowledge and skills needed for environmental management. For this reason, the CASAC should include at least three representatives from air pollution control agencies who are well versed in NAAQS implementation to balance the CASAC.

I would now like to turn to the implementation of the NAAQS. Implementation guidance needs to be -- guidance needs to be issued concurrently with the issuance of any new NAAQS so that States have the immediate understanding of the requirements and are able to come into attainment quickly. Once a new NAAQS is promulgated, States are required to submit attainment, nonattainment designation recommendations to EPA.

As part of the designation processes, States can submit exceptional event demonstrations to EPA for approval. The State of Georgia issues prescribed burn permits for approximately 1.5 million acres per year. The application of prescribed fires in Georgia has been extremely successful as shown by the historically low number of wildfires across the straight. However, the current provisions for exceptional events do not explicitly recognize prescribed fires as exceptional events. While the EPA has tried to address this through guidance, it really needs to be addressed through legislation.

There are multiple permitting challenges associated with implementing extremely low NAAQS in both attainment and nonattainment areas. For projects that want to build in areas meeting the NAAQS, the lack of headroom or the difference between the standard and the background levels makes it very difficult to approve permits.

For areas found in violation of the NAAQS, they will be required to implement the most restrictive new source review permitting process, not only for new, but also for existing sources.

In 2024, the annual PM standard was dropped from 12 micrograms per cubic meter to 9. Many locations in Georgia are currently over the standard or lack enough headroom for new projects. This is especially a concern with the large number of economic development projects looking to locate in Georgia.

Specifically, data centers are one of the fastest growing industries in the State. These data centers need large amounts of energy to operate.

In May, a data center developer announced plans to build a 20 building data center campus costing $16 billion that would require more power than one of Plant Vogtle's nuclear reactors.

Power generation to support all the new data centers will pose multiple permitting challenges under the current NAAQS process.

In closing, I would like to emphasize that there may be ways to modernize the NAAQS process that could help States implement the new standards in a way that continue to protect air quality without restricting economic opportunities.

Again, I would like to thank the Chairman Griffith for the invitation to appear today, and I look forward to your questions.

[The prepared statement of Dr. Boyland follows:]

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Mr. Griffith. Thank you very much. The gentleman yields. I now recognize Mr. Walke for his 5-minute opening statement.

STATEMENT OF JOHN WALKE

Mr. Walke. Thank you, Chairman Griffith, and Ranking Member Tonko for the opportunity to testify today. My name is John Walke with NRDC.

All Americans want safe clean air. All members of Congress want the same. That consensus should unite us. Not divide us.

Today's draft bills unfortunately are divisive because they end American's legal right to safe clean air that the Clean Air Act has guaranteed for 55 years.

Today's law ensures safe air quality based on medical science, how much air pollution is unsafe for people to breathe, not based on company profits or economics.

The draft CLEAR Act before you first would eliminate the obligation to establish health standards for air pollution like smog and soot based solely on medical science and what is required to protect public health with an adequate margin of safety for vulnerable groups like children and the elderly, without any consideration of profits for regulated companies or economic impacts, then the bill for the first time would authorize EPA to consider company profits and costs to set unprotective standards, sanction continuing health hazards, and even premature death from PM 2.5.

Both steps would overturn a unanimous Supreme Court decision by the late Justice Scalia upholding American's right to safe air based on science, not unsafe air tainted by economics.

After that 2001 Supreme Court decision, a lawyer for the Chamber of Commerce said, now we will see if we can get the magic word cost put into the statute. That is what this legislation is about, that long-time corporate campaign. Mr. Tonko is right, the sky has never fallen.

Americans are not asking Congress to take away their 55-year-old legal right to safe clean air. Americans are not asking the government to lie to us about whether the air is safe to breathe. I suspect the make America healthy again movement would be shocked to learn that is being considered for the third time in 8 years before this subcommittee.

Take the example of the health standard for ozone pollution last updated in 2015 to 70, seven zero, parts per billion. A strong majority of EPA science advisors found in 2023 that 70 was badly unsafe and needed strengthening to guarantee safe air for Americans.

Suppose EPA, in the future, then considers a range of standards as high as 70, the draft CLEAR Air Act -- the draft CLEAR Act would let EPA for the first time refuse to strengthen the ozone health standard to a safe level by invoking economic impacts, or attainability, the standard, and keep the unsafe level of 70, denying Americans safe clean air and allowing preventable asthma attacks, forcing parents to take their children to the ER and causing hospital admissions for respiratory distress.

The implementation issues addressed in both bills, and in much of the other testimony, are complex, but the proposed solutions are the wrong ones. They would let air pollution increase by legal definition, roll back safeguards under current law, increase the burden on existing businesses and facilities to reduce their pollution to accommodate the new pollution increases, force Americans to breathe unsafe air longer, then change the law to declare unsafe air pollution levels acceptable.

Over 156 Americans live in areas that suffer unsafe levels of smog pollution or fine particle pollution. More than 88,000 Americans die prematurely every year due to just fine particle pollution. Over twice as many deaths as auto accidents cause.

Over 100 leading public health and environmental organizations has urged Congress not to pass nearly identical earlier versions of these harmful bills, including the American Heart Association, the American Lung Association, the National Medical Association, and the National Public Health Association. Like me, they object to authorizing more air pollution, weakening the Clean Air Act in numerous ways, taking away American's 55-year-old right to safe clean air, worsening American's health, and overturning multiple court decisions, all without doing one thing, unfortunately, to improve air quality, reduce air pollution, or make Americans healthier.

Similar to these health experts, I urge members to decline to advance both bills. Thank you.

[The prepared statement of Mr. Walke follows:]

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Mr. Griffith. Thank the gentleman. I now recognize Mr. Noe for his 5-minute opening.

STATEMENT OF PAUL NOE

Mr. Noe. Thank you. Chairs Griffith and Guthrie, Ranking Members Tonko and Pallone, and distinguished members of the committee, I am here today on behalf of the American Forest and Paper Association, and the American Wood Council. AF&PA represents manufacturers of sustainable paper products, and AWC represents manufacturers of structural wood products.

Our forest products industry directly employs over 925,000 people, and we are a top-ten manufacturing sector employer in 44 States. The industry supports over 1.6 million more jobs across its suppliers, and in local communities, many in rural America.

These hardworking people are sourcing from sustainably managed forests and making products right here in America representing nearly 5 percent of U.S. manufacturing GDP.

In February of last year I testified before this committee that our air permit program is broken. While it remains true, I am heartened to sit before you today knowing critical steps are being taken to modernize the underlying permit program to be achievable, and I want to express our gratitude.

We strongly support Congressman Rick Allen and Buddy Carter in their efforts to address the impacts of air permitting issues on U.S. manufacturing. The proposed legislation you are considering today would greatly improve the NAAQS program.

We would especially like to applaud that the legislation requires a workable implementation plan when the standards are issued so they can be successfully achieved, establishes a ten-year review cycle to increase certainty and reduce wasteful litigation, and reforms the exceptional events

program to facilitate prescribed burns to prevent wildfires, by far the largest source of particulate matter in our country.

We look forward to continuing to work with you on this legislation, and we have included some additional suggestions in our written testimony.

Only through commonsense solutions will we truly enable the onshoring of American innovators, and we thank Congressman Allen and Carter for their leadership, and all the members helping us.

We are also grateful that in March EPA Administrator Zeldin recognized the specific problems manufacturers are facing when he announced the agency will quickly revisit the unworkable 2024 PM NAAQS standard.

Under previous PM standards, our industry could make substantial capital investments to modernize, but the new PM standard is a perfect storm for permit gridlock making it much harder to modernize our facilities and continue reducing emissions.

The previous EPA rushed to tighten the PM NAAQS close to background levels using dubious legal authority, ahead of schedule, and without a workable implementation plan. Notably, the 2024 rule doesn't address at all 84 percent of particulate matter emissions, which come from nonindustrial sources such as wildfires and road dust. Pulp, paper and work products mills account for less than one percent of particulate matter to put that in perspective.

Blindly ratcheting down on already controlled sources has diminishing returns, and collapsing the permit program by making it unachievable blocks progress towards more efficient and cleaner facilities.

The previous administration unfortunately ignored each of these concerns, concerns raised not only by industry, but our partners in labor, and many elected officials. If we don't change this

trajectory now, American manufacturing competitiveness and jobs in many of your districts are at stake.

We stand ready to work with you, with Administrator Zeldin, and the Trump administration to strengthen and support this effort.

Thank you, again, for the opportunity to be heard, and for your tireless leadership to support U.S. manufacturing jobs. I look forward to your questions.

[The prepared statement of Mr. Noe follows:]

******** COMMITTEE INSERT ********

Mr. Griffith. I thank the gentleman. I thank all of you for your testimony. I now move into the question and answer portion of the hearing, and I will begin the questioning and recognize myself for 5 minutes.

Mr. Noe, we are talking about NAAQS today, but I can't help myself, attainment also impacts new course review permitting. It concerns me that industries are trying to reduce -- industries trying to reduce emissions at their plant can potentially be punished in some cases under the Clean Air Act, which is why I have been working on H.R.161, the New Source Review Permitting Improvement Act. Doesn't the current new source review permitting process make manufacturers think twice about building new projects, or even improving current facilities?

Mr. Noe. Mr. Chairman, 100 percent. And thank you so much for your tireless work there. I am going to paraphrase, a friend of mine and former EPA general counsel, Don Elliott, who said, the kindest things you can say about NSR is it is infective, slow and it doesn't work. And those really are about the kindest things you can say about it because it makes no sense that a program that is supposed to improve air quality blocks efforts to become more efficient and thereby lower emissions per ton of production. It is that simple.

Mr. Griffith. Yeah. Is it economically efficient or environmentally friendly to require pollution control projects to go through the full NSR permitting process, and doesn't the current NSR regime actually discourage major sources from installing emission control equipment for fear of losing their current air permit.

Mr. Noe. 100 percent. And, Mr. Chairman, I just want to add, when you were kind enough to have a hearing back in February 2018 and I had the opportunity to testify, we had a whole bunch of examples from our industry alone about how NSR has had very damaging unintended effects. The intent was good, let's make our air cleaner. We all support that. I think you have heard that already

from, not only all of you on this panel, but we have got to be smart about how we do this. There is so much at stake if we are not smart in how we do it.

Mr. Griffith. I appreciate that. And I had my examples, too, but I won't go through them today.

Mr. Whiteman, could you briefly explain the colored map, which has -- we have got our fake Vanna here. Could you explain the colored map in your written testimony and that is enlarged behind me?

Mr. Whiteman. Will do. Thank you for the question. Yes, this map is a map of the counties in the U.S., and we modeled the air quality nonattainment, and areas that would be in attainment.

So if you look at the map, the green areas would be those that are in attainment. The red areas are those that are out of attainment, 428 counties that we project, EPA projected just 1/4th of that.

And then the light red areas are those where there is not much headroom. There is not a lot of headroom to build new facilities or you bump into the standards.

This is the first time that we have seen the Clean Air Act, the NAAQS program, reduce emissions so low that the impacts are getting around background levels. So that is why we see such an extensive potential permitting gridlock across the country, and that is why we raised so many concerns about the NAAQS standard.

We all want to reshore manufacturing, we all want to provide the good paying jobs, and unfortunately this looks like it is going to block a lot of those projects for coming back.

Mr. Griffith. What are the real world effects of a nonattainment designation for a county trying hard to land a big factory, or a family manufacturer looking to expand their plant.

Mr. Whiteman. I am sorry, sir, I missed...

Mr. Griffith. That is all right. What are the real world effects of a nonattainment designation for a county trying to land a big factory, or even a family manufacturer looking to expand their existing facility.

Mr. Whiteman. It puts them through a lot of permitting and can be quite difficult. In fact, I was talking to somebody in the foundry industry yesterday from Wisconsin, they had a new green field facility that they wanted to build, they looked at 400 sites, after they -- they could meet their labor requirements. When they went on and considered the environmental requirements from the NAAQS, from ozone and PM, it narrowed it down to eight. And then when they looked at supply chain, energy access and other things they decided they just couldn't do the project because the NAAQS program and what is coming up is just going to be too stringent to them.

Mr. Griffith. Couldn't do the project in the United States.

Mr. Whiteman. They shelved -- no. They shelved it.

Mr. Griffith. And so when we are talking about those nonattainment areas, those are the ones that are currently red, correct? Dark red?

Mr. Whiteman. These are the ones that are projected to be out of attainment in the future.

Mr. Griffith. All right. And then a lot of the pinkish red ones are close, so if you were trying to land a really big factory, that might tip you over the line as well.

Mr. Whiteman. That is right. We have an example in one of the reports that we wrote, even a wind facility in Colorado, CS Wind, the air permit they had to put together to follow EPA's requirements would increase the emission in their area by 1.9 micrograms. They may not have been able to build their facility because even projects like that could be blocked.

Mr. Griffith. All right. My time is up. I yield back, and now recognize the ranking member from the State of New York for his 5 minutes of questioning.

Mr. Tonko. Thank you, Mr. Chair. As I expressed earlier, it is critically important that the National Ambient Air Quality Standards are based on the latest science to ensure they are health protective. However, I am concerned that several provisions of these proposals will undermine those efforts.

First, the CLEAR Act would change the current 5-year review cycle to a 10-year cycle. So, Mr. Walke, what would be the consequences of making that sort of change?

Mr. Walke. Thank you, Mr. Tonko. The consequences unfortunately would be to ensure that updates to health standards occur closer to 12 to 15 years.

Now, why do I say that. Because under today's law where the statutory deadline is 5 years, as Dr. Boylan said, the reality is it is closer to 8 to 10 years, and the agency has to be sued in order to try to issue them faster. If the statutory deadline were 5 years, they would miss that statutory deadline, too.

Now, why do I say that. Well, because Congress adopted a program in 1990 that set a 10-year statutory deadline for a lot of standards, and EPA missed that deadline probably 60 to 70 percent of the time. Sometimes they missed it by 10 or even 15 years.

So it is entirely predictable what would happen. Americans would be denied safer clean air based upon what the medical science says for as long as 12 to 15 years, or more.

Mr. Tonko. Thank you. And is it safe to say that our scientific understanding of the health impacts of air pollution is continuously improving?

Mr. Walke. That is absolutely the case. In the most recent updates to the health standards for ozone that unfortunately did not occur, but were the subject of scientific analysis in 2023, shows that we have learned much more and the standards should be strengthened.

The strengthening the PM 2.5 standard in 2024, which, by the way, is the most deadly pollutant regulated by the Clean Air Act, and recognized globally as either the 2nd or 3rd largest source of premature mortality globally, we have learned much more and we need to do more to protect Americans.

Mr. Tonko. Right. And let me add to your assessment. There can be a lot of science produced in a short period of time, and as an example, the 2020 ozone standard review included more than 1,700 new studies that were published since EPA's 2015 review of that standard.

So even within the current 5-year cycle there could be 100s if not 1,000s of relevant scientific studies that further our understanding of what levels of air pollution may be considered safe.

So Mr. Walke, if we are committed to having our environmental protections based on the latest best available science, would shifting to a 10-year review cycle undermine that goal?

Mr. Walke. Absolutely it would undermine that goal, and so would eliminating the office of research and development, a lot of other things that are being done by this administration, unfortunately, we are eliminating scientific capacities. And lengthening the period to 12 to 15 years would just be even more irresponsible.

Mr. Tonko. And, Mr. Walke, I would also further ask about the CLEAR Act's proposed changes to the Clean Air Scientific Advisory Committee. Currently the CASAC is statutorily required to have seven members with at least one from a State agency.

Mr. Walke, what is the role of the CASAC today, and would you say it is is to inform EPA is in consideration of the latest science when reviewing standards, or is it more focused on the implementation and feasibility of the standards?

Mr. Walke. It is focused on the protectiveness of the health standards and whether they provide an adequate margin of safety for vulnerable populations like children. And so it requires

medical expertise. It does not require implementation expertise. And I differed with my fellow witness, Dr. Boylan, on that respect.

Geographic diversity doesn't speak to medical expertise. So kind of pulling people from region four States to be on the panel doesn't speak to whether the standards will be better and more protective of Americans.

Mr. Tonko. Thank you. While I certainly support States playing an important role in scientific reviews of standards. I also believe States are just one of several important contributors.

Mr. Walke, are you concerned that this proposed change to the CASAC membership might tip balance of the -- tip the balance of the committee?

Mr. Walke. I think it is intended to, Mr. Tonko. We had testimony before this committee today that criticized past panels for being imbalanced, and this was the approach to supposedly address that. Administrator Pruitt did it during the Trump administration and blocked people who had EPA grants for serving on the committee, and that was found to be unlawful by a court. So I think there have been attacks on the integrity of CASAC for as long as I have been practicing law.

Mr. Tonko. Is there any evidence that the current structure of the CASAC is causing it to fail to adequately fulfill its responsibilities?

Mr. Walke. To the contrary. I mean, Dr. Boylan was reappointed by a Democratic administration and provided his views and they were fully captured for the public record, and I think that was to the credit of both Dr. Boylan and to Mr. Biden and his EPA.

Mr. Tonko. Thank you, and, Mr. Chair, I yield back.

Mr. Crenshaw. [Presiding] The Gentleman yields back. The chair recognizes Mr. Latta.

Mr. Latta. Well, thank you, Mr. Chairman, and thanks to our witnesses for being here.

This is a pretty important discussion that we are having today on these bills that we -- the discussion drafts. And, you know, if you look at this map, again, looking where the State of Ohio was, it pretty much puts the entire State of Ohio in jeopardy.

And what I would like to start, Mr. Whiteman, if I can just ask you some real quick questions. One of the things you said in your testimony, that EPA acts based on faulty scientific analysis. How often does thought happen, and how can this affect this map right here?

Mr. Whiteman. Let me first qualify, I am not a scientist, but there is a lot of science that goes into this, into the NAAQS, and there are concerns -- you know, let me just speak from the business community perspective on cost because ultimately if we are not considering costs and we are just considering one side of the equation and not the other, it leaves with unbalanced and overly burdensome regulatory provisions that we are finding ourselves now in this situation of having potential permitting gridlock.

Mr. Latta. Let's go back just a couple years back because, you know, when we were talking about maybe a county being out of compliance, and the county that would be adjacent to it, and all of a sudden the county adjacent to it who might not have any issues, but because of it being next to that county, depending when that test is being run, then all of a sudden then that could be putting the county adjacent that didn't have any issues out of compliance. But would you say when you are looking at this map today, it is putting everything out of compliance; is that correct?

Mr. Whiteman. Yeah. You know, the red areas, we completely expect them to be in violation of the standards. And those next to it, we expect permitting gridlock to be there because you need some headroom to be able to site these facilities. And because they are so low, the standards, so close to background levels, there is just not a lot there.

Mr. Latta. Let me ask a few more questions real quick. You know, when these tests are out there and the monitoring goes on, you know, when they take into effect certain things, like I have got one in particular, you have an interstate highway that runs through a county, would, you know, would that be a factor out there that would be a concern?

Mr. Whiteman. Yeah, certainly the funding that Congress past in the infrastructure bill, building new roads and bridges, you know, State DOTs have to look at potential air emission increases and factor that and look at the NAAQS standards, and so that may block some of those roads and bridges that would increase efficiency and supply chain efficiency.

Mr. Latta. Well, and, again, this is like several years back in Ohio on Interstate 75 from the Michigan border down to the City of Findlay, it was determined that we had to -- the road was at about 115 percent capacity, and what did they have to do, they needed to put a third lane in. So what you are seeing right then is it could put that kind of a project in jeopardy to have something like that done, then.

Mr. Whiteman. They would likely have to deal with the NAAQS program and finding offsets and other things, which may not be available.

Mr. Latta. What would the impact be on agricultural areas? Do you have any idea on that?

Mr. Whiteman. Certainly they are one of the nonpoint sources that are becoming -- you know, as industrial emissions have gone down, or around 16 percent, other nonpoint sources like ag and road dust and fires are becoming a bigger portion of it, so it is likely that, you know, farming and other things will be in the crosshairs for this type of NAAQS, which is bringing pollution levels down so low.

Mr. Latta. And just to follow up on that real quick, just a comment on my part because, again, you have to think about when harvest is done. So if you are shelling corn, or if it is going to -- you are

harvesting beans, you are harvesting wheat, that is the time of the year that you are going to have a little more dust in the air. But, thank you.

Mr. Noe, if I could ask you, could you tell the committee about the cumulative regulatory challenge facing American industrial, what it means to this country?

Mr. Noe. Thank you, Congressman. The challenge is enormous, and there is so much at stake because if our regulatory system isn't working well, and the permit system is gridlocked, that grinds progress to a halt. We need to play to our strengths. We are the most innovative country on the planet. We have great entrepreneurs. We have a great productive workforce. And our workers just want the right to compete. That is all they are asking for. And so we can't have a picture like that where the permit program is basically collapsing because what those colors show you, it is not just there are lots more of these nonattainment areas in red. That pink is a special problem for my industry. And those are attainment areas. Okay. So don't get me wrong. We are in rural America, by and large, those are cleaner areas that tend to be in attainment, but by putting the standards so close to background level, average in this country is 8, they put it at 9, we -- that blocks major projects in our industry. They typically need an increment of 3.

So the simple math is, you start at background, let's say it is 8, you add 3 to that, where are you, 11. That is way above the standard at 9. You can't do it. You have now blocked a project that is both going to create more jobs in this country, help onshore manufacturing, put wealth in communities that really need more economic development and job opportunity. You are blocking all of that, and you are also preventing more efficient technology that is also cleaner technology.

So that is what I mean when I say we have got to be smarter than that. We need a permit system that works and allows all of the benefits of our economy where we can have both jobs and environmental progress to happen together.

Mr. Latta. Thank you very much. Mr. Chairman, thanks for the indulgence. My time has expired. I yield back.

Mr. Crenshaw. The gentleman yields back. The chair yields 5 minutes to Ms. Schakowsky.

Ms. Schakowsky. Thank you, Mr. Chairman. Mr. Walke, I want to just tell you that you and I are on the same panel right now and on the same view. You know, when I was in the State legislature in 1995 I found the report and I stood on the -- in the State legislature and said, please, let's pay attention to this issue, time is running out. Well, how many times have we heard that, that time is running out. We know that the international panel on climate change said that very clearly. We have heard them all the time.

But even more important to me is the children in my district, especially in low income districts, have more asthma than others in the country, and we don't want to see that happen.

We have to understand that time really is running out. And while we want to make sure that we have a good economy, are we going to trade that in and that definition about all the businesses that are made, I am not against them, but I say we have to do something. And I wanted you to talk about the things that were -- that have been introduced.

What is going to happen if those bills go into fruition, and are we going to do better?

RPTR SINKFIELD

EDTR HUMKE

[11:15 a.m.]

Mr. Walke. Thank you, Ms. Schakowsky. No, we are going to do worse, and I think across the board that is clear in my testimony. A bipartisan Congress in 1970 and again in 1977 and again in 1990 ensured that health standards for Americans protected us all with an adequate margin of safety. And the courts and EPA have found that means children, it means the elderly, it means people suffering from asthma and emphysema to make sure that we have health standards that protect all Americans, not just some.

And this bill would eliminate that. It would allow economic impacts or attainability or, you know, cost feasibility to eliminate the protectiveness of standard for children, for the elderly, and then for the most vulnerable among us because it eliminates the health foundation for the standards and replaces it with whatever cost decide is good enough.

Ms. Schakowsky. Yeah, thank you. So I wanted to ask you what is the most immediate thing that you think that we want to do to start to catch up with this timeline that is growing stronger?

Mr. Walke. So the current process for setting the health standards takes too long. But it takes too long because EPA engages in a bunch of steps that the statute doesn't require. So I think that we could have a science and health-based process that actually does update health standards according to the best medical science closer to 5 years than 10. Certainly closer than 15 that this bill would produce. And we would be better served by that process.

We have recommendations to strengthen the current unsafe ozone standard now. And this administration, if it wanted to, could act on that. Instead, they have announced that they don't see any cause or reason to update the standard until 2030. That is 15 years after it was last updated,

Ms. Schakowsky, in the year 2015. And we have been told that level is unsafe, and we are going to be stuck with that unsafe standard until at least 2030 and beyond.

Ms. Schakowsky. Are our -- yours and mine, and I think a lot of people in this country, are we going to be really saying to manufacturers that you can't do a job?

Mr. Walke. Of course not. Like you said, 1995 is an interesting year that you mentioned because that is when the Chamber of Commerce and some others filed lawsuits to require that health standards be set based on cost. That resulted in the Supreme Court decision in 2001 that unanimously said, no, that is just wrong.

Okay. So this fight has been going on for a long time, and as Mr. Tonko said, we have been told ever sense, the sky is falling, but it never has. And these complaints are ones that are designed to weaken the law. There is a lot of complexity in this testimony, and there are surely things that could be improved with implementation of the program. But eliminating Americans' legal right to safe air based on medical science is it not the way to do it.

Ms. Schakowsky. I agree. And my time is up, but I wanted to thank the -- allowing me to talk a little over. Thank you. I yield back.

Mr. Crenshaw. [Presiding.] Thank you. The gentlelady yields. The chair now recognizes the chairman of the full committee, Mr. Guthrie.

The Chair. Thank you, Mr. Chairman, for the time, and I look forward to the discussion based on what we just heard. I see a good friend of mine, Johnny Walke is in the audience. Johnny Walke is from Tennessee, and he runs a business. He is trying to put people to work and run a manufacturing business and be successful. And he has no other intent than to run a clean, sound business and make sure that he puts people to work.

And it is a high -- what do you call it? -- you are in a high-cost low margin business, and that is a fun one to be in, right, a high-cost low margin, and just trying to stay ahead. And regulations matter. But we do need a clean environment.

So Mr. Whiteman, the Biden administration did a particulate mater rule, and they were reducing annual standard to nine parts per microgram of cubic meter, which is getting close to some areas of the country, it may be in that lower than background levels. Could you describe what having a standard lower than background levels, what the impact could be on manufacturing, or ability to develop, ability to construct, ability to operate?

Mr. Whiteman. It essentially puts those areas into gridlock. I mean, the way the permitting works is once you are out of attainment, you have to implement the most stringent emissions control technologies out there under the lowest achievable emissions reduction program. And on top of that, you are going to have to seek offsets. Because once you establish the background so low, and you are in this area of trying to implement layer controls, you are going to need some help somewhere else.

The problem is you set it so low everybody else is going to be in the same boat. So everyone else is going to be pointing to each other like the Spiderman, and then I am like can I get your offset credits from you? So ultimately it is going to lead to a lot of projects like the one I mentioned in Wisconsin that is going to get blocked.

The Chair. Well, it was mentioned earlier that people say the sky is falling. I hope we can fix this product before the sky falls. That is the idea not have it fall on us.

So Mr. Noe, the pulp and paper industry used a lot of energy data centers which are being built to support and develop artificial intelligence also needed an enormous amount of energy. What

insights can your industry share with those in the AI sector about how these air quality standards will impact their ability to grow in the United States?

[Chart.]

Mr. Noe. Thank you for that question, Mr. Chairman. And I think that shows the urgency. We have got to be able to build things. We have got to be able to expand things. We have got to be able to modernize things in this country. And what that map is showing you is permanent gridlock all around the country. And it is not just these bigger red areas of non attainment that Mr. Whiteman was mentioning, all of that pink is areas that are in attainment. So you would think things would be fine, but they are not, because there is permit gridlock. And if you want to do a major project in those areas, you are going to be blocked.

So, you know, there is a lot at stake here. It is not just U.S. manufacturing competitiveness. Our place in the world, our ability not only to compete, but national security issues are at stake, because the demand that is coming online for energy in this country, including electricity, are massive. And that is what keeps CEOs up at night I can tell you.

The Chair. Well, thank you. And that is a good point. Because, you know, from the mid 1990s until just recently, we have had a flat level demand for power. Part of it is because and thankfully so we have become far more efficient at using the power that we use, which we absolutely should be.

The second part of it is, we unfortunately had flat manufacturing growth which is now beginning to increase, but not just bringing jobs back, but also th excessive demand, the extensive demand that is coming from new areas which is data centers. I always quote, and I said that Bill Gates had a Microsoft data center -- can, not everyone, but can -- one of them can use as much power at the city of Seattle. So that what we have scale up for. If we don't do it, then we are going

to lose this battle to China. And I would rather have the American values governed AI around the world than Chinese values any day. There is no comparison to that.

So let me go to Mr. Boylan. The Clear Air Act requires EPA to review and revise air quality standards on 5-year intervals. But the Biden administration conducted a review of the particulate matter outside of the normal review cycle. That means States like yours may have significant burdens in implementing these changing standards. The draft legislation will move it to 10 years.

As the head of Georgia's program, can you discuss the impact that would be for you.

Dr. Boylan. Yeah, so the impact of changing it from 5 to 10 years; is that what you are asking?

The Chair. Yes.

Dr. Boylan. Yes, so what that would do is it would allow EPA to fully consider all the documents. The way it is now the rush -- and sometimes they try to shortcut reviews and things like that -- giving the full 10 years would allow for a full consideration of all the science. These documents can be over a thousand pages long. And there is six different pollutants that are being reviewed. And so, one, it would allow for EPA to not be rushed. But it would also give more stability to the state to be able implement. Because what happens is sometimes States are right on the verge of coming into attainment and then EPA drops the standard, and then we kind of have to start the whole process again of getting back into non-attainment. So it would give more stability and allow for a better long-term planning for attainment.

The Chair. Thank you, Dr. -- I said Mr. -- thank you, Dr. Boylan. I appreciate it, and I would yield back.

Mr. Crenshaw. The gentleman yields. The chair now recognizes Mr. Peters.

Mr. Peters. Thank you, Mr. Chairman. The Clean Air Act is one of our most, the Nation's most important substantive, environmental, and public health laws. At the center of the law are the

National Ambient Air Quality or NAAQS. They define what levels of common air pollutants are safe to breathe, and they are developed based solely on science and public health considerations. And I have often talked about in the context of permanent reform.

When we talk about statutes like NEPA, we don't have to worry so much about NEPA because we have the Clean Air Act and the Clean Water Act guarding us against the emission of pollutants into the atmosphere into the environment without permission by way of a permit.

And as we consider ways to support infrastructure and energy development, I think there is room for bipartisan conversation. We should be looking at how to reduce permitting delays, provide clarity for important infrastructure projects. But I don't think that those projects and improvements should come at the expense of science-based processes that sets clean air standards.

So the discussion drafts we are looking at today do raise a couple of questions. One thing I am struck by is the debate between 5 and 10 years. And it doesn't sound like 5 years is ever met.

And, Mr. Walke, what were you saying was the timeline we are seeing for the actual review of this in comparison to the 5-year mandate?

Mr. Walke. Mr. Peters, it has been closer to 8 to 10 years.

Mr. Peters. Right. You know, and that happened under Democratic and Republican administrations. I guess I am interested if you want to extend it. We could talk about that. But I also wonder what enforcement we are going to have. What I find among my colleagues is that they are reluctant to talk back to this administration. And if they were willing to give me some assurance about actually observing a limit, I think that is something that we could talk about.

Mr. Walke, also, would you address this concern I think about the standards getting so low that they are close to background, and that makes things impractical to comply with?

Mr. Walke. Sure. I would be happy to do so. That actually was addressed in the most recent court decision from the D.C. Circuit Court of Appeals about the ozone standard where that very concern was raised. And what the court said rightly and what the law has said for, you know, 55 years is those are implementation concerns. Congress has three tools that they have included in the law: Exceptional events, international transport, and rural transport. You know, maybe the regulations for those programs could be improved, but it is an implementation concern.

Mr. Peters. That is implementations. I mean, how will you respond to the practical problem that that presents when, you know, you impose regulations on actors when the regulations themselves -- see you have to get so close to background, it is impractical. How do you deal with that as a practical matter?

Mr. Walke. Well, you know we have heard a lot of talk about wildfires and prescribed fires and things that are real concerns in this country. And I was a little puzzled because I looked up the 2017 exceptional events rule last night. It defines exceptional events to include prescribed fires, and it mentions prescribed fires times. So I am a little puzzled why we are talking about the need to change the law when the law already guarantees that.

But, you know, it requires good hard work by people of good faith to say, look, if you violated the standard of nine because the combination of background in wildfires pushes you over nine, you are not in non-attainment. You are not. And if the rules and the processes need to be expedited and made more efficient and effective, then we would stand ready to support that.

Mr. Peters. Okay. I guess I just like to pick up on the issue of particulates and wildfires. It is a huge problem. And I would just drive one's attention to the bill I did with Chair Westerman, the Fix Our Forests Act, which is the only attempt, I believe -- certainly the only bipartisan attempt to deal with pollution from wildfires by giving the Forest Service the ability it needs to actually go in and

perform the forest management that would keep us from only having catastrophic fires and get us back to a normal fire cycle, which we suppressed particularly in the West for many decades.

I would also ask particularly the National Resources Defense Council to participate in that process. They have basically not helped us in a way that I think would really meaningfully reduce air quality concerns and reduce the concern about particulates from wildfires, which is a bigger climate pollution source than the entire power sector of California right now. It is the biggest problem we have.

We need the help of the environmental community. We have the nature conservancy that has helped us, the Environmental Defense Fund, the Audubon Society. But some people are so whetted to what the law is today that they have so far not helped us change the law to really help meet concerns about air quality. I know that is not what NRDC is about and I ask their help. And with that I yield back.

Mr. Crenshaw. The gentleman yields. The chair recognizes Mr. Palmer for 5 minutes.

Mr. Palmer. Thank you, Mr. Chairman. This is a topic that I am particularly interested in. I have worked for two international engineering companies. I worked for Combustion Engineering and then environmental systems division. I worked for Rust International. Everything from refuse energy to air space. And talking about particulate matter in general, we have the technology to produce that, but I think we are at a point now where we are asking industry to meet standards that we don't have the technology to meet, particularly when it comes to, as my friend from California mentioned, dealing with wildfires, agricultural dust, just things that occur in nature, a substantial part of the particulate matter that is in the atmosphere over California originated in China or other places.

How do you respond to that? Obviously, we want to maintain as high an air quality as we possibly can, but at the same time we have got to take into account what we are capable of and what is economically sustainable? Any of you?

Mr. Noe. Congressman, what I would say is, a hundred percent no one is saying you shouldn't use best technology. That is not the issue. The issues we have got a permit program that is basically collapsed right now. You can't get a permit to do a highly beneficial project that anyone could tell you is not only going to create jobs and economic growth and inject that community with some prosperity, but it is also going to be a more efficient. This is typical, so it is going to lower missions per ton of production. Those are the kind of projects we should be having all around our country. And that map showing you we can't because you have got permanent gridlock all cross the country, including in attainment areas.

Mr. Palmer. It is also a problem, though, I believe we are literally on our national security situation with regard to the processing refining of rare earth elements. There is not a single major refinement for rare earth elements in the Western Hemisphere. If I said there wasn't one in the United States, that would be bad enough. There is not one in the Western Hemisphere. And there is only nine in the world. Eight are in China. The other one is in Malaysia. And there is a reason for that. We have regulated these industries out of existence to the point now that we are confronted with a national security emergency. Your economy depends on them, but your military depends on them.

Mr. Noe. Absolutely.

Mr. Palmer. So I think we have got to find that balance. The other interesting about this is is when you look at asthma rates, and admittedly I wouldn't expect China to provide the most accurate data, or India for that matter, but when you look at efforts to improve emission quality, the United

States has a prevalence of 8.7 percent; China has one of 2.2 percent. And anyone who has ever been to China will tell you that the air quality there is substantially worse than here.

So there is just a lot of information out there that I think requires a little different narrative. I think part of the problem is from the narrative from my colleagues on the other side of the aisle is that the EPA regulations only impact large businesses. And that is not true. So I think when you look at the overall impact, and whether it is homebuilders, whether it is small manufacturers, we are literally regulating our economy. And we have been regulating it into oblivion to get us to the point where we are no longer competitive.

I was asked to be on a panel with members of the European Parliament, and we were talking about this, and I said, you know, China subsidizes companies they cut up -- they don't follow the rules that we follow, whether it is wages, in some cases it is slave labor. And how do we respond? We tax our companies. We regulate them to a point that they are not even competitive within our own markets.

And I think part of what all of us have got to come to a realization of is that, you know, we have got to have sensible regulation, we are not in competition with Europe, we are not in competition with Canada. It is the West in competition with China. And I think it is time that we sat down and had a very serious discussion about the regulations that we need, the tax policy that we need. That is what we are trying to do with this bill that they are so adamantly opposed to is we are trying to get to a position where we can bring back these industries that we are going to need for economic security and national security. Thank you, Mr. Chairman, I yield back.

Mr. Crenshaw. The gentleman yields. The chair now recognizes Mr. Ruiz.

Mr. Ruiz. Thank you, Mr. Chairman. At the heart of today's hearing is a National Ambient Quality Standards, our Nation's baseline for breathable, safe air. The standards are designed to limit

how much of certain harmful pollutants can be in the air. And yet rather than strengthening these standards, my Republican colleagues are once again choosing a familiar path, chipping away at policies that protect the environment and the health of the American people. So let's be clear, weakening these standards mean more pollution, more illness, and more deaths. And these NAAQS protect our health, environment, and also vulnerable communities.

Fine particulate matter is microscopic pollution so small that they can enter our blood right straight through the lungs. They are tied to asthma, heart disease, lung damage, and early death. And in communities like mine, the consequences are dire.

In California's 25th District, we have been classified as an EPA non-attainment area for years, meaning our air quality consistently fails to meet the national health base standards set by the Federal Government. Riverside County has been flunked by the American Lung Association receiving an F for our annual particle pollution.

Mr. Walke, is it correct that the new NAAQS standards have consistently provided significant health benefits for our communities, especially our most underserved?

Mr. Walke. Absolutely, Mr. Ruiz. And they will continue do so if we let them. You know, the State of California has about 10 percent of the manufacturing in this country. It is the fourth largest economy in the world. It also happens to have the greatest air pollution challenges in the United States. And yet the California Air Resources Board strongly opposes these bills. Because they know that protecting health and children's health, especially, is compatible with economic growth. And they know that deadly fine particle pollution kills far too many Americans that we can prevent by upholding the law.

Mr. Ruiz. Well, that is why I am so concerned about these legislative proposals that will delay and weaken these standards. Last Congress, we examined changes to the PM2.5 standard, which is projected to save thousands of lives.

Mr. Walke, can you share why it was critical for EPA to follow the science when the agency revised the PM2.5 NAAQS standard?

Mr. Walke. It was critical because PM2.5 is responsible for more premature deaths than any other air pollution in this country and around the globe. EPA found that strengthening the standards would avoid 4,500 premature deaths every year as a result of this.

And, Congressman, I am a little puzzled by some of is this conversation. These bills do not eliminate Clean Air Act permitting. So it sounds really like what is going on here to me is they just don't want the PM2.5 standard to be strengthened. Then don't want it to be in place at all so that permits would have to be obtained to meet those stronger limits.

Mr. Ruiz. And so if EPA had considered industry costs during the standard-sitting process, how might that have impacted the standard? And what would be the downstream effects for communities rural and impoverished like mine?

Mr. Walke. I don't think EPA would have strengthened the standard. In fact, that is what the Trump administration did as it was walking out the door on December 23, 2000, they refused to strengthen the standard. And I think they were just secretly considering costs. And the Biden administration properly reconsidered those standards as the law has always allowed for four decades. And that is why we now have safer standards protecting more American lives.

Mr. Ruiz. Thank you. As an emergency physician, you know, I seen the impact of this pollution up close: Kids wheezing through asthma attacks, seniors collapsing from respiratory

distress. And these are not data points, they are people, and they are depending on us to act. But instead of standing with their constituents, Republicans are standing with corporate polluters.

Last Congress, committee Republicans voted for the bills being discussed today. These are disastrous bills, and now they are back once again moving these bills and trying to delay and derail these public health standards. Let's be honest, they are not defending public health, they are not defending Medicaid or working families; they are defending polluters and profit margins. And the cost is measured in ER visits, missed school days, missed work, and lives cut too short. So people will die. As we have seen, people who live in high-polluted areas live 10 years less than people who live in non-high-polluted areas. The evidence is there. High pollution kills people earlier than what was intended. And we must uphold and enforce the National Ambient Air Quality Standards, not weaken them. I back.

Mr. Griffith. I now recognize the chairman of the Health Subcommittee, the gentleman from Georgia, Mr. Carter.

Mr. Carter of Georgia. Thank you, Mr. Chairman. And I thank all of you for being here. This is extremely important. You know, balancing America's air quality with economic development begins with implementing commonsense legislation. I think we would all agree on that. EPA reviews the National Ambient Air Quality Standards on a 5-year interval.

After establishing the National Ambient Air Quality Standard, States assume the primary responsibility for implementing and enforcing them, these rules. This is an extremely time-consuming process; one that takes years and years. I have got a bill, it is called the CLEAR Act, that would give States the time needed to implement standards without rushing the process. And I think that is very important. This bill also allows States the opportunity to correct deficiencies found by EPA in state implementation plans for NAAQS before EPA can issue a Federal implementation

plan. The CLEAR Act offers commonsense solutions, commonsense solutions to make attaining clean air standards realistic while giving States the time necessary to comply.

Dr. Boylan, I want to ask you, you are obviously very familiar with implementing clear air quality standards and policy. Can you tell me more about the implementation process for these kind of rules that we are talking about here?

Dr. Boylan. Yes, so for the implementation for the attainment and the non-attainment areas, for attainment areas, there is a lot of hurdles for getting new permits implemented. In fact, the last time the PM standard was dropped from 15 micrograms to 12 micrograms, we had four non-attainment areas, and we had zero new, large projects go into those areas until the areas were designated back to attainment many years later. In addition, areas that were attainment, there was so little head room that the number of new projects even in the attainment areas declined substantially in those areas. So that is kind of what we are looking at with the new standard of 9 micrograms here in Georgia.

Mr. Carter of Georgia. Okay. Well, let me ask you this, lowering the NAAQS standards, how does it impact you on a local and a state level?

Dr. Boylan. Yeah, so when the NAAQS is lowered, there is a process to go through for designations. It is very resource-intensive. We have to make recommendations to EPA on areas that are attainment or not attainment. It also involves the evaluation of exceptional events, particularly in Georgia for prescribed fires. We had a team of 14 people recently working on -- just on exceptional events to be able to get them submitted to EPA.

So once we go through the designation process, then a new lower standard does make it much more difficult to issue permits, and then the resources become much tougher, or working with the companies to see if there is ways to find compromises and things like that. But in the end,

sometimes projects just need to be denied because there is not enough headroom to issue the permit.

Mr. Carter of Georgia. Okay. Well, you know, we have had a lot of discussion in this subcommittee about the PM2.5 standard and whether it is too close to background levels or not. You just mentioned wildfires, is that something that can lead to noncompliance that you think?

Dr. Boylan. Yeah, so wildfires -- you know, we had the Canadian wildfires that impacted the Northeast and Midwest, but it also impacted the Southeast. So wildfires definitely could impact compliance as well as prescribed fires, which your bill would specifically call out prescribed fires as events that could be removed when making the comparison to the NAAQS.

Mr. Carter of Georgia. Isn't that what we call commonsense?

Dr. Boylan. Yes, sir.

Mr. Carter of Georgia. Okay. Thank you. Let me ask you this, Georgia, for 11 years in a row, the number one state in which you do business. One of the primary reasons for that is our availability and affordability of energy.

Now, the current PM2.5 and other NAAQS standards, does it pose a threat to the development of energy projects in Georgia?

Dr. Boylan. Yes, it does. In fact, I spent 4 years as the Georgia EPD liaison to our Georgia Department of Economic Development. And when I met with new companies looking to locate in Georgia, the first question they ask is this a non-attainment area? And if the answer is yes, they are not looking at it. And then they are looking at how much headroom there is fore new projects?

But, yes, this is a serious concern with the lower PM standard that the ability to permit new projects will be very challenging.

Mr. Carter of Georgia. Thank you for that. And I thank all of you for being here. Mr. Chairman, I will yield back.

Mr. Griffith. The gentleman yields back. I now recognize the ranking member of the full committee, the gentleman from New Jersey, for 5 minutes of questioning.

Mr. Pallone. Thank you, Mr. Chairman. Today, we are back again considering harmful regulation to undermine the heart of the Clean Air Act. And these discussion drafts are more the same, creating loopholes and providing giveaways to industry at the expense of the people's health, and proponents are rehashing old misleading arguments to justify these proposals.

Every time EPA proposed a new policy, we hear arguments for why it can't be done. These arguments rely on exaggerated claims about implementation costs, job losses, and minimal health benefits. But we have heard all of these doomsday claims before, over and over again, these claims have turned out to be simply wrong.

So, Mr. Walke, can I ask, what does the history of the Clean Air Act tell us about the relationship between environmental health and safety regulations and the strong economy?

Mr. Walke. Thank you, Mr. Pallone. It is one of the greatest success stories of any U.S. law in my opinion. We have had, you know, 400-percent-plus growth in GDP over the period that the Clean Air Act has reduced emissions by, you know, 78 to 90 percent. And so all of these doomsday scenarios -- I have been hearing them for 32 years as a Clean Air Act attorney.

Mr. Palmer. Thirty-seven for me.

Mr. Walke. The same ole same ole. Well, congratulations, sir.

Mr. Palmer. Thank you. Well one of the exaggerated Republican claims being circulated about the EPA's PM2.5 standards is that it is simply impossible, and the majority of counties around

the Nation will be in non-attainment. Of course, this is at odds with EPA's own analysis. We have this map here --

[Chart.]

Mr. Pallone. -- and if you look at it, it clearly shows that the overwhelming majority of the United States is in light green. And these are the counties that already meet EPA's more protective standard.

Yet the National Association of Manufacturers released a report about the economic effects associated with a stronger PM2.5 standard. And that report which has been used to justify undermining clean air protections in today's draft bills unsurprisingly paints a much darker picture.

So, Mr. Walke, again, based on your Clean Air Act expertise, what do you think of the manufacturer's report? Is it realistic to expect a potential economic impact that they are suggesting?

Mr. Walke. Congressman, thank you. That red, pink map we have seen unfortunately today is just -- it is fiction. It was created by consultants for NAM in a report. As the logo on your map shows, it was produced by EPA. They found that 3.8 percent of counties nationwide would be in non-attainment. And half of those were in California and already failing to meet the older standard.

So this is a California-centric problem. They have got some challenges. But the rest of the country looks nothing like the red and pink bloodbath that we saw in that other map.

Let me say one thing about headroom too. Headroom is a concept that says a new plant should be able to come in and become built and permitted very often at the expense of existing businesses and facilities that are already in that area. If you allow a new plant to come in that does not have modern air pollution controls, that shifts the burden to the existing plants and facilities that are being asked to do more. That is not the way the law works. This bill doesn't actually eliminate

the permitting program, so I think something else is going on. I think they are actually targeting the PM2.5 standard, and like the Trump administration really aiming to make it go away.

Mr. Palmer. Well, thank you. I agree with you. Again, you know, since the beginning of the Clean Air Act, pollutes have been crying wolf every time EPA has issued a new rule to protect public health. And they claim time and again that a new clean air rule will lead to economic ruin. But those claims never come true. And we know we can have a strong economy while cutting pollution and cleaning the air. Everything points to that.

So these exaggerated claims are being used to justify this legislation, which I think is dangerous, and will leave communities exposed to the harmful impacts of air pollution. And these Republican draft bills once again put corporate polluters over people and will make Americans sicker.

Everyone has the right to clean and healthy air to breath. And I think these drafts undermine that right. And that is why I will continue to oppose them for more than the 37 years. And thank you again. I yield back, Mr. Chairman.

Mr. Griffith. The gentleman yields back. I now recognize the gentleman from Texas for 5 minutes.

Mr. Weber. Thank you, Mr. Chairman. I want to come to y'all with simply a yes or no answer.

Mr. Whiteman, you are hearing about from the other side that we want to put polluters over people. Does that sound absurd? Yes or no? We want a clean energy environment, don't we? Does that sound absurd?

Mr. Whiteman. Eighty-four percent of the emissions come from non-point sources like wildfires.

Mr. Weber. So that is a yes.

Dr. Boylan, do you think that is absurd that people think that we want to put polluters over

Dr. Boylan. Yes.

Mr. Weber. Mr. Noe, I am going to come to you next.

Mr. Noe. Yes, sir.

Mr. Weber. I am going to stay with you, Mr. Noe. We seem to be looking at two different maps.

Mr. Noe. Yes.

Mr. Weber. Why is that, do you think?

Mr. Noe. Well, it is very misleading to look at the map that was just shown because those are EPA projections, and I won't get onto the details. But the point is that is showing the projections of who is in attainment. That misses the point.

What this map shows you is the whole country lights up on who is going to have permit gridlock, and that is the problem. Our industry, as I said, by and large, is in cleaner attainment areas. We are in rural America. But the problem is the way the math works under the program, you got to take what is background level. Average in this country is eight.

[Chart.]

Mr. Noe. You have a major project, you need an increment of three more micrograms. That gets you to eleven. The standard is nine. That is gridlock. That means you can't create jobs, you can't inject the local community with prosperity, and you also can't upgrade, which means you can't lower emissions per ton of production. That is why it is so frustrating. It is a lose lose for jobs and the environment.

Mr. Weber. And all the while, all our enemies are out stripping us big time, not just --

Mr. Noe. Absolutely. We have got to compete. Our workers are asking you, just let us compete.

Mr. Weber. Pretty simple.

All right. Dr. Boylan, I am going to come to you, if I may. On March 12, 2025, the EPA announced the reconsideration of Biden's administrations of particulate matter PM2.5 standard, which lowered the standard from 12 micrograms per cubic meter to nine.

This committee going back to the previous Congress has expressed concerns that the nine level simply is not attainable in many regions without bringing manufacturing and production and infrastructure development to a halt. Did I mention our enemies are out stripping us right now?

So in your opinion, is the 12 standard a more appropriate balance between protecting public health and while preserving our Nation's ability to grow and innovate in spite of our enemies?

Dr. Boylan. Yes, I do.

Mr. Weber. Well, you are easy. Can you share how the United States has successfully balanced high-air quality standards with the needs of industry and what the EPA needs to keep in mind as it considers revising the PM2.5 standard.

Dr. Boylan. Yeah, so, you know, none of these bills are looking to remove the permitting process. The analysis that is done, the best available control technology, the lowest achievable emission rate, all those are in there. It is just ensuring that the standard is set at a value that is achievable. When you said it --

Mr. Weber. A reasonable standard. Keeping in mind these kids that we love and the parents and the grandparents that we love. Keep going.

Dr. Boylan. That is correct. When you set standards at or below background values, they are impossible to meet, and it basically causes permitting gridlock.

Mr. Weber. And it handicaps, as Mr. Noe said, industry. All the while our enemies are loving every minute of this.

Dr. Boylan, I am going to stick with you for a minute. Given the States that are responsible and implementing state implementation, which I was in the state legislature environmental reg committee when I was back in Texas in 2009, 2012.

In implementing state implication plans to ensure compliance with EPA's air quality standards, how important for it is for those States to have a meaningful role -- which they love their kids, people in most legislatures want people to thrive, they don't want kids to get sick.

How many important is it for them to have something to say meaningful role in the standard setting process to ensure they can actually implement these standard how important is that.

Dr. Boylan. That is very important. And specifically, you know, getting more state regulators on the case act is important because many of the academic researchers, they understand the science, but they don't understand how it translates into the NAAQS which involves not just a number, it is the level, it is an averaging period, it is a form. You know, and there is -- many of the academic researchers don't understand the importance of the risk and exposure assessment. In fact, the last ozone study, they didn't even want to see a risk and exposure assessment. They looked at some epi-studies and said the number should be 55, which just really didn't make sense.

Mr. Weber. It is like you are trying to pull a rabbit out of the hat. It just a stymied growth. Anyway, Mr. Chairman, thank you. I yield back.

Mr. Griffith. The gentleman yields back. I now recognize the gentlelady from California for her 5 minutes of questioning.

Ms. Barragan. Thank you. Mr. Walke, we just heard an exchange about fiction, absurdity, and pulling rabbits out of a hat. Is there anything that you want to correct from that conversation for the American people that are watching today?

Mr. Walke. Sure. I would like to, you know, address this constant charge of permitting gridlock. That term has been used a lot today. What you won't find for it is the evidence in testimony presented today or in the prior two hearings that would remotely justify eliminating Americans' right to safe air over some problems that have been identified.

This system is not perfect. They have given us some examples of things that should be improved. And the exchange that just happened, I think we had something really useful happen that I want to bring attention to. And one of the answers to Mr. Weber's question, it became clear that permitting gridlock is just a euphemism for eliminating the right to safe air by claiming that it is not attainable, or that we should be considering feasible costs.

Mr. Weber. That is funny.

Mr. Griffith. It is Ms. Barragan's time.

Ms. Barragan. Go ahead, sir. And I expect to have that extra time.

Mr. Griffith. Yes, ma'am.

Mr. Walke. And so I, you know, I do want to emphasize that the focus on implementation and permitting in particular where Dr. Boylan correctly said that this does not change the permit process, okay, in the implementation section of the bill. Rather it is the attack on the health foundation of setting standards that guarantees Americans' right to safe air. That is really the target of this bill. We will continue to have permitting, and we should for new facilities coming into an air shed using modern air pollution control technology. They would like the PM2.5 standard to disappear.

Ms. Barragan. Great. Thank you, Mr. Walke. And I think the member that was interrupting you is indicating of they don't like to be challenged. And the answers that are given, they don't like the fiction to be corrected. So thank you for doing that.

The Trump EPA and House Republicans claim that weaker clean air regulations will spur economic growth. But according to a recent Associated Press investigation, these rollbacks could lead to up to 30,000 premature deaths annually and wipe out $275 billion in public health benefits each year.

Mr. Chairman, I would like to enter into the record the Associated Press article, entitled, "Trump EPA Rollbacks Would Weaken Rules Project to Save Billions of Dollars and Thousands of Lives." The article highlights Jessica Blazier whose 11-year-old son Julian has multiple health conditions that make him more sensitive to air quality which can make breathing, quote, "feel like a knife sometimes." End quote Jessica said these rollbacks, quote, "are almost adding insult to injury." End vote.

Mr. Griffith. And it is on the staff list. So we will make sure we get it put in the record.

Ms. Barragan. Mr. Walke, I have a district that has heavy air pollution surrounded by freeways and ports. Kids play in parks with inhalers around their necks because of air pollution. Can you talk about how weaker air standards will affect school attendance and student performance?

Mr. Walke. Yes, Ms. Barragan, there has been numerous studies that show that attention in school is dramatically worsened in districts like your own unfortunately due to air pollution. We know that Mercury and lead, both neurotoxins, begin damaging the developing fetus all the way up through children that breastfeed due to the mother's milk being contaminated by those neurotoxins.

And yet we have had a congressional review act resolution in this Congress that rolled back air toxic safeguards under the Clean Air Act for the first time in the law's history. We have got the administrator announcing that he wants to conduct the greatest rollback in U.S. history of nine hazardous air pollution standards. We are expecting at 2 o'clock this afternoon rollbacks of the Mercury and air toxic standards for power plants that burn coal. And all of these rollbacks will have

devastating impacts on the health of children, sending them to ERs, causing them to miss school, causing them to suffer learning deficiencies. And even, you know, saddling them from an early, early life with diminished IQ as a result of damage that was done to them before they were even born.

Ms. Barragan. Well, thank you for pointing that out. Because we apparently love our children too and our grandchildren too, except we don't want to go to the hospital and suffer those. And other people, I guess, feel differently, and they are okay with having kids suffer and not get the air quality that they deserve and the clean air they deserve. I yield back.

Mr. Griffith. The gentlelady yields back. I now recognize the gentleman from Pennsylvania for 5 minutes of questioning.

Mr. Joyce. Thank you, Chairman. And thank you Ranking Member Tonko for holding today's important hearing. Thanks to the panel for testifying here today.

Important context for this hearing is understanding that America's air quality is among the best in the world, and that the U.S. emissions have steadily decreased over the past several decades, even as economic input and output has changed. We observed this trend because of the fact that reasonable clean air standards lead to economic growth. And if this economic growth spurs innovation in investment and technology, that ultimately reduces emissions without sacrificing output.

We need to balance public health and clean air goals with the reality that attainable standards will not only hurt the American economy but also disincentive development of the more efficient technologies necessary to continue to lower U.S. emissions.

Mr. Whiteman, I would like a clarification of some previous discussion that we have had. Could you explain the data differences between the two NAAQSes that were recently discussed?

Mr. Whiteman. Will do. Thank you for the question, Mr. Joyce. So I just wanted to talk a little bit about the differences between the two maps that we have seen here today. The map that was put together that we presented and talked about, actually it looks at more recent data; data that actually incorporates the fires from 2023, which is missing from the EPA map which we just saw previously. And that is one of the big reasons why we see such a massive increase in non-attainment areas. Everybody remembers here in Washington, D.C., when we had two weeks of red haze in the sky because of the emissions coming down from Canada.

The other thing is EPA only looks at the monitored areas to determine non-attainment areas, and they didn't look at adjacent areas. So therefore we did. And when you have adjacent areas to non-attainment areas, you can expect them to have issues.

And, finally, I will just mention that EPA has a habit of underestimating non-attainment areas. In the 20-20-15 NAAQS, the estimated 14 counties out of California to be out of attainment with the NAAQS, the last time I looked at EPA's green book, there are over 143 counties that are out of attainment with the ozone NAAQS.

So the issues can be significant. It is a real issue. You have to look at the recent data. And, unfortunately, the prior estimates have been underestimated, and we think our maps are much more accurate.

Mr. Joyce. Thank you for that clarification.

Dr. Boylan, in your testimony you discuss how the lack of headroom in some areas due to th stringent 2024 annual PM2.5 standards hurts economic development. Even in attainment areas that comply with the current NAAQS, can you discuss how these overly burdensome standards can prevent the permitting and development of innovative projects such as data centers that we desperately need?

Dr. Boylan. Yes, so it goes back to the headroom issue with the map -- if you looked at the map in Georgia, it had a lot of red areas and then a lot of pink areas, making it very difficult. The pink areas being the attainment areas. With so little head room and the amount of energy that is going to be required for these data centers, it is going to be very challenging to be able to permit all the new power generation that is going to be needed to power this industry.

Mr. Joyce. By creating an inhospitable environment for these projects, data centers, you mentioned, we will lose out on investment in American innovation to countries like China, which lacks truly any meaningful environmental regulations.

Dr. Boylan, would you agree that ceding our investment opportunities to foreign adversaries who do not have clean air requirements not only harms the U.S. economy but is in incompatible with the ultimate goal of protecting the environment?

Dr. Boylan. Yes, I would agree with that.

Mr. Joyce. Mr. Whiteman, do overly aggressive and burdensome environmental regulations threaten our global competitiveness?

Mr. Whiteman. They are really challenging. They are micromanaging businesses and aren't providing the opportunities for to us innovate which we do best.

Mr. Joyce. In the same vein, in order to encourage investment and project sponsors, they need to have the predictability when they choose to invest their resources that will not be burdened with unforeseen costs.

Unfortunately, PSD projects that submitted previously, but not finalized before the effective date of tighter standards are not grandfathered in will be forced to invest resources to update their permitting.

Dr. Boylan, how will giving more flexibility to projects that are already engaged in the permitting process benefit both the state and the industry stakeholders?

Dr. Boylan. Yes, so you are correct that there is no grandfathering in. The grandfathering would allow projects that are already in the permitting process to continue through that process and finish them out. So it is a lot of resources for States and industry and rather than having to go back to the drawing board and starting from scratch again.

Mr. Joyce. So short answer, grandfathering in will speed up the process?

Dr. Boylan. Yes, that is correct.

Mr. Joyce. Thank you, Mr. Chairman. My time has expired. I yield back.

Mr. Griffith. I now recognize the gentleman from Florida for his 5 minutes of questioning.

Mr. Soto. Thank you Chairman. You know in Florida, we are a peninsula. We are blessed with a naturally clean air quality as the breeze just blows through, and no mountains to stop it. A lot of this as you can tell from the maps that have been put up, geography has a big effect on it. And we are -- every one of our counties, including in central Florida are below the National Air Ambient Quality Standards.

Although, we are still working on clean air in central Florida with the closing of the OUC coal plant, natural gas solar, nuclear or the predominant power sources in central and south Florida. We also IRA projects, including the largest solar plant in North America coming to our area.

Although, we did just recently Orange County had an air pollutant ozone at elevated levels on May 23 primarily due to forest fires which obviously we are discussing here today. And a big population with some vehicle pollution.

And Florida has the second most EVs of any state in the Union. That may shock some folks. And then you look at with transportation being the biggest air polluter. Twenty percent of new vehicles that are bought hybrid and electric. So we see the trends and where they are going.

Another interest we have is hurricanes, which are getting more extreme and are making insurance rates go up. They are making it intolerable for many Floridians. And it is making it progressively worse.

So why would we want to stop now the progress that we are making on it? That is not common sense. That makes no sense. When we are looking at data centers AI, fabricators from microchips, you know, I feel like a lot of this conversation is like we are having it 10 years ago. Most of these places, they are going nuclear now. Microsoft, 20-year agreement with Three Mile Island. Amazon, a major agreement with Pennsylvania Susquehanna Nuclear Power Plant. Google, they are going with small modular reactors, and they are adding in wind and solar. And solar power is being used by Apple in Nevada. None of those have significant air pollution.

We just passed the last term the Nuclear Advancement Act, which improved timetables, fee cap, streamlines, approval for well-established reactor models.

Mr. Boylan, we saw in Georgia you all just opened the new Vogtle Power Plant, and some of it has been reported in response for th increasing demand for power generation in Georgia from AI and data centers. What can you tell us about what the challenges you face with Vogtle and what we can do to continue to improve the ability to get more nuclear energy online?

Dr. Boylan. Yeah, so plant Vogtle, while it was the first nuclear reactors built in 30 years, they were severely delayed in timelines and well over in budget by billions and billions of dollars. I do think, you know, increase in nuclear energy is a good thing. However, not all of the data centers are being powered by nuclear and clean energy in Georgia. We have a number of new projects in-house

being evaluated currently for fossil. Because fossil is much quicker to get up and running than nuclear projects that could take 10 to 20 years to get online.

Mr. Soto. So what could we do to help? What were some of the obstacles you faced with the new unit at the Vogtle plant?

Dr. Boylan. Well, so as far as like you mentioned, plant Vogtle is a nuclear plant. It doesn't have lot of air emissions. We don't have actually issue permits for plant Vogtle. It is regulated through the Nuclear Regulatory Commission. What we do issue are very minor permits for our backup generators and things like that. And so that was not a major permitting project for Georgia.

Mr. Soto. But those are things that we have to improve upon if we are going to continue to provide this power. We saw NOAA through the Climate Program Office state that wildfires are 25 percent of all days with unhealthy ozone levels.

Mr. Walke, what is the danger if we remove wildfire smoke and wildfire pollution from air quality standards?

Mr. Walke. So Senator Inhofe amended the Clean Air Act 20 years ago to ensure that wildfire smoke did not count towards violations of air quality standards. And since then we have issued regulations that add prescribed fires, I think, smartly and responsibly to that same practice, so that States and industries are not penalized for violations of monitors that occurred due to prescribed fires. So there is no need to amend the law. The law already guarantees that. And it is a real challenge, but it is the right treatment under the law I think.

Mr. Soto. So the key is we are promoting management of forests because this is now 25 percent of what is affecting our clean air standards across the Nation. Isn't that true?

Mr. Walke. Yes, sir, and it comes down from Canada as we remember from last summer, two summers ago in Washington, D.C., when we were blanketed in smog. It is a real problem for all of us.

And we believe it is driven and accelerated by climate change, but we can all agree that it causes dangerous air pollution.

Mr. Soto. Thank you. I yield back.

Mr. Griffith. The gentleman yields back. I now recognize the gentlelady of North Dakota for 5 minutes of questioning.

Mrs. Fedorchak. Excellent. Thank you, Mr. Chairman. Thank you all for sharing your expertise with us today. I appreciate this really informative discussion.

So North Dakota, where I am from, is one of only four States that has never violated a Federal ambient air standard. And we do that while being one of the largest energy producers in the country. Yet North Dakota opposed, our state opposed the NAAQS rule change.

[Chart.]

Mrs. Fedorchak. In fact, we joined more than half the States that sued according -- against this new standard. At the heart of this matter is the health assumptions and the modeling. We all agree that we want clean air for our kids, for our grandkids. It is offensive to suggest that some don't agree with that. And I take great offense at those suggestions. We all share that.

But we also can all agree that you can get a model to say just about anything you want. And so what is at the core of this disagreement is the health assumptions. That is what my state focused on. Some in the opposition from our Department of Environmental Quality was opposition to some of the technical flaws in health modeling. Specifically, they failed to use actual models, actual air quality versus modeled air quality data.

There was assumptions that there is no safe threshold. So regardless if it was something from smoke or whatever that the factories or the emitters could never affect was considered still not safe. And then the application of urban health impacts to rural States, like mine, that just doesn't work.

So I am curious to some of the experts here, what are the -- specifically Mr. -- I forget your name from the chamber -- could you talk about further about some of the health assumptions and the health data modeling assumptions that were erroneous or could have been improved in this current rule proposal?

Mr. Whiteman. I think our biggest -- one of our biggest concerns with the proposal was EPA short-circuiting the standard full NAAQS review process. And instead of doing the full review and going back and looking at all the science, they short-circuited that and moved forward. So that is one of our big concerns. They didn't do the full review, which is really required. And, you know, I think they could have done a better job in looking at the science if they had done that.

Mrs. Fedorchak. Okay. Thank you.

Mr. Walke, you talked with my colleague from California, Mr. Peters, about an implementation concern regarding, you know -- he asked some very good questions about how are companies supposed to deal with existing emissions that they can affect. And you said that that is an implementation concern. But I don't really feel like you got to the heart of the matter in providing like an answer to how is an emitter, a factory, or a generator, an electric power generator supposed to achieve emissions standards when the emissions in the air are dominated by sources that they can affect? How they supposed to deal with that?

Mr. Walke. Well, the way they are supposed to deal with it, and the way the law has worked for over 50 years is that first States and industries are not responsible for controlling emissions that are uncontrollable. No one is asking them to do things that can't be done. And so the law has mechanisms to ensure that things like wildfire smoke doesn't count towards how they receive their permits or whether air quality standards are met. And that is what I was addressing in my, you know, comments. But the question of permitting gridlock, as I think we have seen here today, is really not

about implementation, it is about an attack on the standards and whether they are too safe, in one version, or too low in another version.

And that is why I think that the focus should be on what the bill really does, the CLEAR Act, especially. As Dr. Boylan said, facilities still have to get the required permits and meet the modern air pollution control technology and attainment and non-attainment under the Republican bills. And I am grateful for that. I think that is the responsible thing to do. But why doesn't that lead to permit gridlock just as much as requiring it for a safer standard? So the attack is really on the safer standards because we are still requiring permits.

RPTR HNATT

EDTR HUMKE

[12:16 p.m.]

Mrs. Fedorchak. The attack seems to be on, I agree with you, on the standard, and the fact that more than half of the States oppose this says an awful lot about that standard and whether it is accurate or not. Thank you. I yield back.

Mr. Griffith. The gentlelady yields back. I now recognize Mr. Landsman for 5 minutes of questioning.

Mr. Landsman. Thank you, Mr. Chairman, and thank you to all of our witnesses for being here and engaging.

The proposal that we are discussing today could fundamentally change the way air quality standards are pursued, implemented in this country, and that has enormous implications for our children, our families, our communities.

As part of the proposals that worry, as we are hearing, is that the way in which we use science, it could be changed, and prioritizing -- or in setting these standards.

So this is, unfortunately, not the only way in which science that informs these health protective standards has been diminished.

So Administrator Zeldin announced that they would shutter the office of research and development, which affects my district in Southwest Ohio significantly, affects the entire country, just from an employment standpoint it affects us, and would fire nearly 1,200 dedicated public servants that conduct the office's work. It is the scientific backbone, if you will, of the EPA.

Not only will this plan have a negative impact on the research conducted by the agencies, but the actions have real impact on, again, my district, our constituents.

Mr. Walke, how does EPA's work within ORD inform EPA's work to address air pollution.

Mr. Walke. Thank you, Congressman. The office of research and development scientist's work touches on every aspect of air pollution control at EPA in ways that you couldn't even describe in a full day's hearing with the intricacy of the analysis and the world-class research. And it was just even to me breathtakingly reckless that they would shutter that office. Far more extreme than anything they did in the first term.

Just two days ago they announced quitely that they are canceled a world-class air quality research lab in North Carolina. It didn't get much attention. But this is a systematic attack on the science and scientists that inform health safeguards and protections for the American people.

Mr. Landsman. I had heard somewhere recently that government sometimes is in the business of providing investments and supporting folks and trying to improve their lives, but it is also about mitigating risks, the societal risks that if government doesn't stand in the way, or try to mitigate those risks, terrible things will happen.

And I am curious based on your extensive experience, what are the implications of shuttering ORD. I mean, what are the risks that we will start to deal with because we are no longer using ORD?

Mr. Walke. So ORD, among other things, provides invaluable research into the hazards and harms of classes and chemicals like PCBs and dioxins and other chemicals that make their way into products that go into consumer products and can get into the food supply and the water supply, and so they are, you know, the scientific canary in the coal mine that alerts us to those future risks, while at the same time providing the, you know, the legwork for the scientific studies and analysis that goes into trying to protect us against deadly levels of PM 2.5 pollution, alerting us to new chemical risks that we haven't even known about.

It is hard to keep up with industry and industrious chemists in this country, and ORD is in part our bullwork against that, trying to provide the government with a fair assessment of dangerous chemicals before they get into the market place and end up in our food and shampoo and water and places that we can't do anything about.

Mr. Landsman. And who benefits, I mean, you know, obviously this is a committee that has -- there is bipartisan support for permitting reforming and getting things done built faster. You also want to make sure that we are using science and research to inform how we protect people.

Undermining that, obviously has a negative impact on kids, families, all of us, who benefits and who -- why do this?

Mr. Walke. Congressman, honestly, I don't just anyone benefits. Unless you adopt kind of a short-term quarterly mentality that profits and, you know, stock values are important because really it is companies producing the chemicals and pushing them out into the market place that now we are facing shorter abbreviated inadequate reviews. It doesn't help their families or their workers to have that happen.

Mr. Landsman. Or long term, their businesses.

Mr. Walke. Yes.

Mr. Landsman. Thank you, and I yield back.

Mr. Griffith. The gentleman yields back. I now recognize the gentlelady from Iowa for her 5 minutes of questioning.

Mrs. Miller-Meeks. Thank you, Chairman Griffith, and Ranking Member Tonko for holding this important hearing today, and I also want to thank our witnesses for appearing before this subcommittee.

Over the past two decades the U.S. has proven that environmental progress and economic growth aren't mutually exclusive. We have dramatically improved air quality while expanding energy output.

In Iowa, our farmers and manufacturers rely on stable smart policy to keep innovating and growing, and, also, to compete economically around the globe.

As we look to the future, any new regulations must support, not stifle, the backbone industries of our heartland.

Mr. Boylan, the discussion draft before the subcommittee today reforms several counterintuitive and outdated portions of the NAAQS program. N-A-A-Q-S. Excuse me. For example, it extends the timelines to conduct the NAAQS process from 5 to 10 years.

How many times has the EPA completed a NAAQS review within the statutory mandated 5 years.

Dr. Boylan. As far as I know, the 2020 -- or the 2020 review was last reviewed in 2015, which would have been one time. But technically it was actually 5 years and 3 months, so even technically that one didn't make the 5 years.

Mrs. Miller-Meeks. So -- and as someone who has served on CASAC, can you explain to the committee why it is such an important role, and your thoughts on increasing State representation?

Dr. Boylan. Yes. So typically the CASAC is more academic researchers who understand the underlying science, but they don't really understand how the underlying science is translated into the NAAQS. From that standpoint, the NAAQS includes an averaging period of form -- a statistical form and a level and an indicator pollutant, and that is understood through a risk and exposure assessment, and many of the academic researchers don't understand the value of the risk and exposure assessment, which basically translates the basic science into an equivalent NAAQS.

And a lot of State regulators deal with design values every single day and really understand that, that is why we should have more State regulators on there.

Mrs. Miller-Meeks. As a physician who has been both in academic medicine, as well as in the field, as you say, in the community, I certainly understand and would echo that sentiment.

Can you tell me how the exceptional event process has unfolded in Georgia?

Dr. Boylan. Yes. So in Georgia, as the map was showing, we have a lot of red areas, many of those areas for PM 2.5. Some of those were caused by Canadian wildfires, but a majority of them were caused by prescribed burns where we burn 1.5 million acres per year to prevent the wildfires, and it has been a very successful program.

But I will say that the amount of exceptional events we have had to do -- we actually recently turned in 129 exceptional events to EPA for approval, the majority of which were prescribed fire, some were Canadian wildfire, and it was a huge resource. We had 14 people on my staff working on this, on this project over the last year and a half, and now we are actually turning to do exceptional events for the 2024 data. It is almost a never ending process.

Mrs. Miller-Meeks. And would the process of extending timelines and/or the PM 2.5, would that hamper you from being able to do prescribed burns to prevent drastic wildfires.

Dr. Boylan. I am sorry. Could you repeat the question? I am sorry.

Mrs. Miller-Meeks. EPA's guidelines on PM 2.5.

Dr. Boylan. So there standards -- yeah. So if EPA -- EPA has not yet approved any of our exceptional events, and so I don't know if I can answer -- you know, if they can approve the exceptional events, that would be great. Right now the exceptional events are not part of the Clean Air Act. In fact, the description of exceptional events is almost contrary to prescribed burning, and

that is the reason why I feel it strongly that specifically prescribed burning should be added into the Act.

Mrs. Miller-Meeks. You answered my question, so thank you for that.

Mr. Noe, in your testimony you described the permitting gridlock crisis that occurs when a NAAQS is changed. How does the immediate application and the revised PM 2.5 NAAQS to PSD permitting in attainment areas contribute to permitting gridlock despite those areas still meeting the new standard?

Mr. Noe. Thank you, Congresswoman. I think the map shows it best because so much of the country lights up either in red nonattainment, or even these attainment areas where you have got permit gridlock now pink.

But I will tell you, I put a chart in my written statement on page 15 that is complicated, but it makes a really important point. This really is the first time in the history of the Clean Air Act where the permit gridlock problem is unique because this is the first time in the history of the Clean Air Act where the standard is so low it is literally one click above background levels, the average level in the U.S., and in some areas it is, you know, it is below background, but because we are in that situation, that is why that map lights up. And so much of your State is lit up in that, and these other members. And, you know, that is a shame, not just for jobs, again, and the economy, that is a shame for progress because the typical project is going to bring efficiency, which is lower emissions per ton of production. We all should want the modernization of our manufacturing sector.

Mrs. Miller-Meeks. Thank you. My time has expired. I yield back.

Mr. Griffith. The gentlelady yields back. I now recognize the gentleman from Louisiana for his 5 minutes of questioning.

Mr. Carter of Louisiana. Thank you, Mr. Chairman, and thank our witnesses for being here today.

You know, I have heard repeatedly said from my colleagues on the other side of the aisle that we have the best air quality in the world. According to IQ Air Global Ranking shows that major U.S. cities frequently fall outside the world's top cleanest demonstrating that that statement is not correct.

Meanwhile, some countries in territories like Bahamas, Bermuda and New Zealand consistently outperform the U.S. in terms of cleaner air on average.

We know that 1980, 2006 emissions and carbon monoxide, sulfide dioxide, lead and particulates in the U.S. have fallen lower under the Clean Act and EPA measures, yet we still are losing lives. Despite progress, chronic exposure to fine particulate matters in the U.S. still causes an estimated 100,000 to 200,000 premature deaths annually, which means we can do better.

It is not a us against them. It is not a one or the other. We can do better. The notion that we have the cleanest air. Compared to what. People are still dying. People are still getting chronic diseases as a result of pollutants in the air. So we have nothing to celebrate. There is nothing to pat ourselves on the back about.

You know, I represent a community in Louisiana that unfortunately has the dubious distinction, and I hate even saying it because the pain associated with it, nicknamed cancer alley. It is an industrialized stretch along the Mississippi River which suffers from high cancer rates among residents believed to be linked to industrial pollution.

I have heard stories of people who lost their families. I have seen the pain and suffering of people who have talked about their loved ones who have died because of their close proximity. You know, we can't accept a false choice between public health and economic growth. We can have

both. Congress can and must work with both communities and industries to set fair science-based solutions to pollution standards to protect people without shutting down jobs. Many companies are already stepping up. Many have a long way to go because cleaner technologies and responsible practices aren't just good for health. They are good for business.

Communities must be safe. Clean air. Clean water. If we expect industry to survive you have to have healthy employees.

We know that once a national ambient air quality standard is in place States and industries get to work on how best to meet it. Along the way we develop more effective and less expensive pollution control technologies. Not only is our air cleaner due to the Clean Air Act, but we know -- now also export tens of billions of dollars of pollution controlled equipment worldwide. We have seen this happen over and over again.

But the discussion of the draft being considered today would undermine EPA's ability to set forth health protective air quality standards and drive the development of pollution controlled technology rejecting an approach that has been successful for over 5 decades.

Mr. Walke, why is it so important for EPA to have the ability to set strong enforceable air quality standards?

Mr. Walke. Thank you, Congressman. Because over 156 million Americans live in parts of the country where the air is not safe, and that is based on health standards that themselves are not protected. So the problem is bigger than the 156 million. It is actually much bigger because we are allowing unsafe air pollution levels to persist today and calling them healthy based on outdated science.

President Trump doesn't believe in climate change, but he talks about air pollution and water pollution. They issued a make America healthy again report recently --

Mr. Carter of Louisiana. Dr. Walke, I don't want to cut you off. I appreciate it. I really want to get to Dr. Boylan in my final seconds.

Dr. Boylan, the corporative federalism model allows EPA to set clean air goals and allows States to decide how to best achieve them.

Before joining Congress I served Louisianian State Senate, so I am very familiar with difficult budgetary decisions States are forced to make. That is why I am dismayed by the proposed cuts to State funding in EPA's budget request.

Dr. Boylan, would a cut to EPA's resources and State grants hurt your State's ability to comply with clean air regulations?

Dr. Boylan. Yes. A cut in our budget grants that we get from EPA would definitely hurt us, yes.

Mr. Carter of Louisiana. Thank you. I agree, the Federal Government needs to be a strong partner with our States. If we are going to protect the environment and public health, that includes robust and reliable Federal resources. Unfortunately my Republicans are ignoring the dangers of toxic pollution and putting polluters over people. We can, we must do better. This is not a partisan issue. This is about lives. I yield back.

Mr. Griffith. The gentleman yields back. I now recognize the vice-chairman of the subcommittee, Mr. Crenshaw, for 5 minutes.

Mr. Crenshaw. Thank you to both the chair and ranking member for holding this important hearing today. It has been a great conversation, especially regarding I think what a very commonsense and, frankly, quite mild changes to the national ambient air quality standards under the Clean Air Act.

Look, there is radical environmentalism and there is rational environmentalism, and I am certainly an environmentalist, but I am a rational one, and I would hope we all are. It is important to protect our air and water, of course. But as policymakers, we deal with tradeoffs. That is what policymaking is. There is no perfect solutions to anything. There are only tradeoffs.

And you can't hold two contradicting ideas in your head, one being that, you know, what, we need more energy, or at least 50 to a 100 percent more energy over the next 50 years. That is pretty commonly understood. We want to reshore manufacturing, especially on critical items like critical minerals processing or medical manufacturing. I am actually on the same committee, that exact hearing is going on downstairs. You can't say that but also say, look, we have to create limits to any of that manufacturing basically making it impossible to build anything new. You can't hold both of those ideas in your head at the same time.

And, also, let's stop with the catastrophizing. And I want to let the American people know that luckily this crisis mode that everybody says we are in is just not true. The facts are air quality in the U.S. has been improving, not deteriorating. According to the EPA's own data, the concentration of the six critical pollutants are down almost 80 percent in recent decades. Meanwhile, the population has gone up, economic activity has skyrocketed, and energy demand has also massively increased.

So this crisis isn't true. That doesn't mean that the first regulation wasn't a good thing. But let's have a little thought experiment. One regulation being good doesn't meant 10 more are necessary. There has to be a logical limit. And I think the legislation that we have been proposing is just assessing those tradeoffs more properly.

You know, more than 80 percent of PM 2.5 emissions, they come from sources other than the manufacturing that we are talking about. We are talking about our cities being so polluted, when I

lived here in D.C. right next to a highway, yeah, I got a lot more dust than my home in Houston. A lot more. Because it is from the highway. Are there manufacturing plants around me that I am not aware of. I don't think so.

You know, so these are coming from sources that other than manufacturing in the power sector. They are coming from wildfires and road dust. And we are getting to this point as assessed where you have the largest reduction -- Mr. Boylan, maybe you can help me with this one -- we had the -- in 2024, NAAQS rule decreased limit for PM 2.5 by 25 percent. How does that drastic reduction compare to the past?

Dr. Boylan. For PM 2.5? The previous reduction was from 15 down to 12, and then from 12 down to 9, which is a huge reduction.

Mr. Crenshaw. 25 percent is a big reduction.

Dr. Boylan. It is.

Mr. Crenshaw. And where did it start? We have been trying to actually research that during this hearing. I have gotten numbers like 65, 75. It started pretty high, didn't it.

Dr. Boylan. Just to be clear, there is the annual standard, which started at 15 --

Mr. Crenshaw. Annual standard.

Dr. Boylan. And there is the 24-hour standard, which started at 65 and has now been brought down to 35. So the annual standard went from 65 to 35. The -- I am sorry. The daily standard went from 65 to 35, and the annual standard went from 15 down to 12, and now down to 9.

Mr. Crenshaw. Okay. And it obviously begs the question, what is the logical limit. And Mr. Walke, maybe you can help me, thought experiment, what is your end goal here? I mean, should it go below 9? At what point is -- have we gone too far on the logical limit of regulation?

Mr. Walke. I guess that is just a misunderstanding, Congressman. That is not the way that the law or I view it. The goals are twofold. One, safe air for all Americans. Two --

Mr. Crenshaw. Which we have accomplished. In your testimony --

Mr. Walke. That is not true, Congressman.

Mr. Crenshaw. We have accomplished it.

Mr. Walke. That is not true.

Mr. Crenshaw. How much better can you get.

Mr. Walke. The second goal is safe air based upon medical science, which is why I can't and won't give you a limit because science tells us what the limit is, not a witness at a table.

Mr. Crenshaw. Okay. Say what the science tells us the limit is.

Mr. Walke. Congressman, I am not a scientist. I don't have the science before me. That is why we need to have scientists doing their job.

Mr. Crenshaw. When we talk about air, and you keep referring to the public health, and, of course, that has to be a consideration, but you know what else is a consideration when considering public health is economic activity and prosperity. And, in fact, that is probably the primary determinant of public health by far. And that is -- and not taking that into account is a disservice to the American taxpayer.

I am already out of time, but I have a lot more questions. Thank you, Mr. Chairman. I yield back.

Mr. Griffith. The gentleman yields back. I now recognize the junior member from New Jersey for 5 minutes of questioning.

Mr. Menendez. Thank you, Chairman. No one should worry about the air that they breathe. No one should worry that the air the breathe is unsafe. That is why Congress established the national ambient air quality standards to keep excess cancer causing pollutants like lead and carbon monoxide out of the air. And since 1990, the NAAQS have reduced the concentration of criteria pollutants in New Jersey's air by 80 percent, and improved the health of our communities. That is a great thing.

But here is the problem. Just weeks after voting to take healthcare aware from 16 million people, Republicans are bringing up draft bills that would weaken vital Clean Air Act protections, and increase American's risk of developing serious health conditions. And these drafts don't just endanger the health of our communities. They are bad for the economy and bad for our workers.

We are hearing a lot of talk today about permits issued for the highest omitting projects, facilities like factories and refineries. The Clean Air Act requires large newer expanding industrial facilities to get air pollution permits before starting construction.

Mr. Walke, those facilities must commit to installing pollution controls and demonstrate that emissions won't produce unhealthy levels of air pollution in the area; is that correct?

Mr. Walke. That is correct under current law. It is not correct under the bills.

Mr. Menendez. Right. And that is the problem that we are going to address in our 4 minutes together.

And if a polluting industrial facility would cause the area in which it operates to violate an air pollution standard, then it must do more to reduce or offset its emissions; is that correct?

Mr. Walke. That is correct. And under current law, that is before the plant is even built. So it has plenty of opportunity to get the right controls to get the right result.

Mr. Menendez. To ensure clean area in the --

Mr. Walke. Yes, sir.

Mr. Menendez. Area it is to serve, depending on those particular circumstances.

Mr. Walke. Correct.

Mr. Menendez. Agreed. Thank you. These permits provide an effective science-based way to protect our communities from dangerous health risks associated with dirty air, while supporting businesses and economic growth. But the draft bill, as you alluded to, creates a loophole in the law. If the EPA fails to meet new procedural requirements, a proposal will allow a facility to get a permit by measuring its emissions against an outdated less protective air quality standard. Previous witnesses have referred to this as, quote, amnesty.

Mr. Walke, what is the practical effect of allowing a new facility to be permitted under an outdated standard?

Mr. Walke. The effect is it pushes the pollution burden from the plant that will not meet the health standards onto two groups. The first group is the community and the public that lives around that plant.

The second group is other businesses that now will be required to reduce pollution more because we allowed a new plant to be built that is not doing its job.

Mr. Menendez. Can you expand on part two on how would existing facilities be impacted by such a change?

Mr. Walke. Yes, sir. I mean, the Clean Air Act and attainment and nonattainment areas is a zero sum game. Someone has got to come up with the reductions in order to meet the health standards. So if you are not requiring it of the new plant because you are giving them a pass or amnesty or whatever you want to call it, you are putting the burden on existing plants and

constituents and companies in that area to make up for the added pollution that you have failed to address properly.

Mr. Menendez. Correct. I appreciate you explaining how this discussion draft would not only harm public health. Right. The first group, the community that these facilities would serve in. But it would also hurt industry, the existing facilities. Correct.

This provision shifts the burden of air quality improvements from new to existing industrial facilities, as you alluded to, which would make it more expensive and doesn't make business sense.

And it is not just this one section that is bad for business. Environmental protections specifically, especially NAAQS, support a key driver of economic growth in our nation's labor force. I consistently hear from Jersey businesses and manufacturers who want to protect and prepare our workforce, not make them sicker.

I am concerned about what gutting bedrock air quality standards means for workers breathing unsafe air. Mr. Walke, these bills could allow industrial sites to omit more polluted air; is that correct?

Mr. Walke. That is correct. And ground zero for the air pollution is the workers.

Mr. Menendez. That is right. And Mr. Carter acknowledged that in a part of Louisiana that he represents in terms of these high industrial areas where workers are subjected to lower air quality, especially if we consider these draft proposals, and that would make situations better or worse for workers?

Mr. Walke. Worse.

Mr. Menendez. That is a problem. So yes or no, do you agree that those effects on workers could worsen if air pollution increases beyond safe limits as a result of these discussion drafts?

Mr. Walke. Yes.

Mr. Menendez. And we are here today because Republicans claim that gutting bedrock clean air protections is good for business, but would you agree that harming worker health and productivity would be bad for business, too?

Mr. Walke. I fully agree.

Mr. Menendez. So the probusiness Republicans are actually doing a thing that would harm existing businesses and make it more expensive for them while simultaneously creating unsafe air conditions for both the workers inside those facilities, and the communities surrounding them; is that correct?

Mr. Walke. I will stick with your words.

Mr. Menendez. I appreciate it. I yield back.

Mr. Griffith. The gentleman yields back. Seeing no other members of the committee, I will now move to those who wish to waive on. It is policy in our committee, and I appreciate the witnesses -- I appreciate the witnesses being here, but we always allow folks to waive on our committee. And Mrs. Dingell wants to waive on, and we are more than happy to have her. Mrs. Dingell, you are recognized -- I should say the gentlelady from Illinois is --

Mrs. Dingell. No. Michigan.

Mr. Griffith. Michigan. Michigan. Michigan. I am sorry.

Mrs. Dingell. Motor city.

Mr. Griffith. I tried to put you in Chicago. I apologize. It has been a long day. Please forgive me. The gentlelady from Michigan is recognized for 5 minutes.

Mrs. Dingell. Mr. Chairman knows how much I love him, so -- look, all Americans deserve to breathe clean air. Clean air is a basic right, and it is the foundation of the Clean Air Act.

And by the way, I lived through watching the Clean Air Act get past, and it took a long time, and I watched a lot of the fights on all sides.

But here is a reality. Over 100 million Americans live in areas with unhealthy air. Air pollution contributes to over 100,000 premature deaths annually, and it hits children, seniors, underserved communities, workers, as it has been discussed, the hardest.

In Michigan, we know the cost of environmental failure from contaminated sites. In my district, which is one of the -- was one of the heaviest to the Flint Water Crisis. And I think we also can all agree that we want efficient permitting. But that can't come at the expense of health protections like the national ambient air quality standards, which saves 1,000s of lives each year.

So with respect to my colleagues, you are pushing two draft bills that would delay lifesaving clean air standards, but polluters override public health experts and exempt the most polluted communities from being cleaned up. This is a giveaway to polluters at the expense of everyday Americans. And to make matters worse, 100s of EPA employees have been let go since the start of this year weakening our ability to protect air water and public health.

So pointblank, clean air save lives, and protecting it should be a top priority for all of us.

And before I get to my questions, I also, having listened to, yes, economic security, economic success matters, but I listened to the autos. I worked for General Motors for 30 years, and I can remember how the company said we can't do anything, it is too expensive. 30 years ago a car sitting in a driveway not going anywhere was dirtier than a car going down a highway today. That is a fact.

So since I have been in Congress I have fought hard to ensure strong science-based standards, but that they are also balanced with economic growth. We can do both. They are not a conflict.

Mr. Walke, can you explain why the national ambient air quality standards process is essential to protecting public health, particularly for vulnerable groups like children and the elderly and low-income communities?

Mr. Walke. Yes, Mrs. Dingell. It is pretty basic. First, the law says you have to make sure health standards are safe to protect humans from dangerous air pollution. Okay. But then Congress in its wisdom went on to say, and especially provide a margin of safety for vulnerable groups like children and the elderly and people who suffer asthmatics. For 55 years that has worked to make the Clean Air Act one of the biggest success stories in the world. And so I just still am puzzled why we are attacking success when we are protecting our children and elderly and all Americans based on science and not based on cost or economics.

Mrs. Dingell. So let me ask you this, Mr. Walke. To justify this bill we have heard concerns that new standards would result in significant cost to States and industry. Do you agree with this assessment? What would be the cost if we delayed implementation or weakened standards?

Mr. Walke. I do agree that they impose significant costs, and they impose or deliver vastly, vastly higher benefits. The office of management and budget routinely identifies the Clean Air Act as the single most successful cost effective law across all of Federal Government producing benefits of 60-to-1 or 90-to-1 higher than their costs.

So by definition, if you weaken those health protections you are increasing costs on the American people in the form of hospitalizations and premature death, and lots of other things that the law is designed to avoid.

Mrs. Dingell. Thank you. And that is what we have also got to figure out, how you keep that -- take that into account.

Can you, one more question, can you explain how these policy proposals would undermine the science-based framework that currently guides clean air protection?

Mr. Walke. Well, it eliminates the science-based framework and replaces it with one that even the majority has described as based on cost feasibility. An earlier member described this as quite modest, I think. But it would be cataclysmic, and it would be a radical, radical overhaul of the law overturning Supreme Court decisions and multiple other decisions. There is nothing modest about that.

Mrs. Dingell. Thank you. Mr. Chairman, I just want to say we have cut air pollution by 78 percent since 1970 while growing our economy. We can and must keep leading. And with that, I thank you and yield back.

Mr. Griffith. The gentlelady from Michigan yields back. I would like to thank our witnesses for being here today. Members may have additional written questions for you.

I will remind members, you have ten business days to submit additional questions for the record. And I would ask the witnesses to do their best to submit responses within ten business days of receipt of the additional questions from the members of this subcommittee.

I ask unanimous consent to insert into the record the documents included on the staff hearing document list.

Without objection, so ordered.

[The information follows:]

******** COMMITTEE INSERT ********

Mr. Griffith. The subcommittee is hereby adjourned. Thank you all.

[Whereupon, at 12:50 p.m., the subcommittee was adjourned.]