

Chairman Brett Guthrie
Opening Statement—Subcommittee on Environment
“A Decade Later: A Review of Congressional Action, Environmental
Protection Agency Rules, and Beneficial Use Opportunities for Coal
Ash.”

June 26, 2025

As prepared for delivery

Thank you, Chairman Griffith, for holding this important hearing and thank you to our witnesses for sharing your time today.

Coal ash is produced by coal-fired electric power plants. In 2014, EPA issued its first rule regulating coal ash as a nonhazardous waste under the Resource Conservation and Recovery Act.

This was one of the rules issued as part of the Obama administration’s “war on coal.”

There were immediate concerns with how the rule would be implemented, about how it did not take into account regional differences, and how it would affect the electric power supply.

Congress amended RCRA in 2016 to make it easier for States to regulate coal ash through permit programs based on their local conditions, but it has been difficult for States to get the necessary approval from EPA.

This is the Committee’s first hearing on coal ash in about 10 years.

The Biden Administration continued the attack on fossil fuels, issuing a rule in April 2024 that expanded the scope of the Obama era rule to facilities that were already closed.

I cosponsored Subcommittee Chairman Griffith’s resolution last Congress to overturn that rule.

And, I welcome the steps EPA Administrator Zeldin has announced to prioritize the approval of State programs and to review the deadlines and requirements imposed on electric utilities by the Biden Administration’s 2024 rule.

Today, we will hear from the top environmental regulator in North Dakota and from a rural electric co-op in Arizona about their experiences with EPA and how the coal ash program can be improved.

We will also hear about the environmental and other benefits of using coal ash in road and other infrastructure projects and how this unassuming material may be an important domestic source of rare earth elements needed to power the Artificial Intelligence economy and our national security.

I look forward to hearing from our witnesses and yield back my time.