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5       RULES OF THE ROAD:   EXAMINING LEGISLATION TO MODERNIZE

6       THE CLEAN AIR ACT'S MOBILE SOURCE REQUIREMENTS

7       WEDNESDAY, JUNE 3, 2026

8       House of Representatives,

9       Subcommittee on Environment,

10      Committee on Energy and Commerce,

11      Washington, D.C.

15           The subcommittee met, pursuant to call, at 2:43 p.m. , in Room 2123, Rayburn House Office  
16      Building, Hon. Gary Palmer [chairman of the subcommittee] presiding.

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

20           Staff Present:   Ansley Boylan, Director of Operations; Byron Brown, Chief Counsel; Jessica  
21      Donlon, General Counsel; Sydney Greene, Director of Finance and Logistics; Joel Miller, Deputy Staff  
22      Director; Ben Mullaney, Press Secretary; Seth Ricketts, Clerk; Katharine Willey, Senior Counsel,  
23      Environment; Jordan Antwi, Minority Intern; Ruth Campos, Minority Intern; Tiffany Guarascio,  
24      Minority Staff Director; Caitlin Haberman, Minority Staff Director, Environment; Alyssa Kimura,  
25      Minority Intern; Serena Klebba, Minority Intern; Brendan Lopez, Minority Press Assistant; Emma

26      Roehrig, Minority Staff Assistant; Kylea Rogers, Minority Policy Analyst.

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29           Mr. Palmer. The Subcommittee on Environment will now come to order. The chair  
30 recognizes himself for 5 minutes for an opening statement.

31           Good afternoon. I would like to welcome everyone to today's hearing entitled "Rules of the  
32 Road: Examining Legislation to Modernize the Clean Air Act's Mobile Source Requirements."

33           This hearing continues the committee's efforts to modernize the Clean Air Act to reflect the  
34 modern landscape of air missions and trends. At the core of the Clean Air Act is the idea that we  
35 can protect our environment without sacrificing economic growth. But it has been decades since  
36 Congress updated the act, causing many of its outdated provisions to become burdensome and  
37 counterproductive to its original goals. That is why this committee is considering nuanced and  
38 tailored updates to improve the Clean Air Act.

39           Today, we will consider 10 pieces of legislation that aim to provide commonsense updates to  
40 Title II of the Clean Air Act, which governs mobile sources. I welcome feedback from our witnesses  
41 and others as the committee considers these bills.

42           I also would like to thank Representative Fedorchak and Representative Langworthy for their  
43 work on these bills and their leadership in modernizing the mobile source provisions of the Clean Air  
44 Act.

45           The witnesses we will hear from today have extensive experience with the challenges  
46 presented by out-of-date provisions and are well suited to explain their impact. I look forward to  
47 their testimony on the discussion graphs and legislation.

48           I am particularly interested in testimony that relates to the continued use of the California  
49 waiver in the Clean Air Act. One of the bills we will consider today epitomizes concerns of the  
50 committee. The LOCOMOTIVES Act, introduced by Representative LaMalfa and championed by  
51 Representative Obernolte, illustrates the problematic outcomes associated with the waiver.

52           In 2023, the California Air Resources Board proposed a rule that would ban the operation of

any locomotive 23 years or older from operating in California, unless it is running on a "zero emissions" configuration. The proposed rule, issued in the twilight of the Biden-Harris Presidency, was withdrawn before the current administration took office, but it would have effectively prohibited 67 percent of the national locomotive fleet from entering California and accessing two of the Nation's largest ports.

Under this proposal, trains would be required to stop at the California border, or any State that might adopt these standards, and wait for a compliant train to collect their cargo, increasing transit time and cost. These disruptions to our national rail system would also impact national security, causing delays and operational breakdowns. Two of the largest rail carriers in the United States estimate that they would each have to pay the State of California \$800 million annually in compliance costs. Basically, rail would be economically infeasible in California, and these costs would be passed along to American consumers.

This is especially worrisome because under the Clean Air Act, the California rule would become national in scope. Two-thirds of the locomotive fleet would be prohibited from operating in California by 2030, and even more States could have adopted this approach under the Clean Air Act. I have real concerns with allowing the State of California to set national emission standards for trains, cars, and all other mobile sources, especially given its track record of Green New Deal policies and EV mandates.

Our vast Nation depends on a complex and healthy transportation system. California should not dictate national policy. Congress needs to do its job and modernize the existing statute. We must revise existing law to meet modern life. If we do not, our Nation's families will pay the price.

I thank the members of this committee who are leading these efforts, and I hope my colleagues will take this opportunity to engage in positive discussions about the legislation before the committee today.

Thank you.

78 [The prepared statement of Mr. Palmer follows:]

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80 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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82           Mr. Palmer. The chair now recognizes the ranking member of the subcommittee, the  
83 gentleman from New York, Mr. Tonko, for 5 minutes for an opening statement.

84           Mr. Tonko. Thank you, Mr. Chair.

85           And the transportation sector is a major source of air pollution. It is often cited as the  
86 largest source of greenhouse gas emissions in our country. And even despite progress over the past  
87 50 years to reduce traditional pollutants, our vehicles continue to spew particulate, matter nitrogen  
88 oxides, and other toxic emissions.

89           More than 150 million Americans live in areas that fail to achieve Federal air quality  
90 standards. That pollution imposes tremendous costs on them, including a \$150 -- \$150 billion  
91 worth of annual healthcare costs and lost productivity.

92           The Clean Air Act exists to protect Americans from this life-threatening and economy  
93 burdening pollution. And when the law has been allowed to work to provide long-term regulatory  
94 certainty and drive technology innovation, Americans have benefited tremendously.

95           Investments in research have enabled the development of pollution control technologies,  
96 including selective catalytic reduction that have improved fuel economy and allow liquid fuels to  
97 become less polluting. Zero emission vehicles have also seen major improvements in performance  
98 and cost reductions in recent years, which has also reduced pollution and lowered Americans'  
99 dependence on fossil fuels.

100           Today, thanks to President Trump's unnecessary war with Iran, American drivers are feeling  
101 pain at the pump. Gasoline is over \$4.25 per gallon and diesel is well over \$5. Americans have  
102 already spent \$51 billion more on gasoline and diesel since the beginning of Trump's war. And  
103 many of those costs are being passed on to people, regardless of whether or not they drive, through  
104 higher grocery crisis, and other increases to their cost of living.

105           Reducing Americans' dependence on volatile fuel markets is exactly why a steady, long-term

transition away from polluting vehicles is so economically beneficial. EPA's own analysis of its repeal of clean vehicle standards confirms this. By keeping Americans dependent on the fossil fuels, it will cost us some \$1 trillion more in gasoline by 2055.

Unfortunately, over the past 18 months, we have seen a very concerning trend at EPA and among Republicans in Congress to upend the Clean Air Act's proven track record of delivering cost-effective public health improvements and economic benefits.

In February, the EPA rescinded the endangerment finding and repealed all greenhouse gas emissions standards for vehicles. EPA has also announced a reconsideration of 2024 standards for traditional pollutants. These and other recent vehicle standards have reduced fuel consumption and enhanced efforts to grow a competitive domestic industry to build advanced vehicles, batteries, and emission control technologies.

This regulatory upheaval is on top of Republicans' enactment of last year's Big Ugly Bill, which repealed incentives for zero-emission vehicles, making it harder for Americans to afford new and used clean cars and insulate themselves from oil price spikes. Electric vehicles have 60 percent lower fuel costs and significantly lower maintenance costs. And yet, the majority seems committed to making it more difficult for people to buy affordable American-made EVs.

Undermining Clean Air Act protections is not the answer, especially at this time of Trump's gas hike. Americans' wallets are under pressure. And efforts to double down on proposals that undermine fuel economy and pollution standards, like many of the bills before us today, will all but ensure Americans continue to purchase unnecessary amounts of fuel at over \$4 per gallon while also needing to access more healthcare for the additional air pollution they will breathe.

While I have concerns with most of the bills being considered today, I would like to express my support for H.R. 2140, Congresswoman Matsui's bill to authorize EPA's DERA program. DERA has a long track record of success using incentives to take the most polluting vehicles off the roads and lower costs for Americans. This is an example of the type of bipartisan bill that we should be

131       advancing to reduce air pollution and deploy new, innovative technologies.

132               With that, Mr. Chair, I thank you again.   I look forward to today's discussion.   And with  
133       that, I yield back.

134               [The prepared statement of Mr. Tonko follows:]

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136       \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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138           Mr. Weber. [Presiding.] The gentleman yields back.

139           The chair now recognizes the chairman of the full committee, the gentlemen from Kentucky,  
140 for 5 minutes for an opening statement.

141           The Chair. Thank you, Mr. Weber. I want to thank Chairman Palmer of the subcommittee  
142 for holding this hearing, and thanks to our witnesses for being here.

143           Since last year, the Environment Subcommittee has been examining ways to modernize the  
144 Clean Air Act by reducing burdens and costs associated with building new energy generation,  
145 advanced manufacturing, and needed infrastructure while continuing to protect the environment  
146 and human health.

147           Today, we are taking another step in our efforts to modernize the Clean Air Act by examining  
148 10 pieces of legislation that would update how vehicles, engines, and other mobile sources of air  
149 pollution are regulated. Nitrogen oxide emissions from heavy duty diesel trucks have decreased by  
150 more than 92 percent over the past 25 years.

151           But important safety in cost-benefit concerns have come to light following EPA emission  
152 control requirements that have been imposed on diesel engines. These requirements can cause  
153 trucks, buses, and other heavy duty vehicles to slow down or stop working entirely. The EPA  
154 Administrator Zeldin recently issued guidance on ways farmers and truckers can improve safety and  
155 reduce costs as an interim step.

156           We will be considering today several potential legislative fixes that will provide a more  
157 durable solution for farmers, truckers, and others who rely on heavy duty diesel engines to keep our  
158 economy running.

159           Today, we are also examining legislation to rein in California's attempts to impose an electric  
160 vehicle mandate on the railroad industry, which would have devastating consequences for interstate  
161 commerce.

162 I look forward to hearing from our witnesses on how these bills on today's agenda would  
163 eliminate overly burdensome requirements that drive up transportation costs and limit choices for  
164 drivers and consumers.

165 And thank you, Mr. Chair. I yield back.

166 [The prepared statement of Chair Guthrie follows:]

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170 Mr. Weber. Thank you, Mr. Chairman.

171 The gentleman yields back.

172 The chair now recognizes the ranking member of the full committee, the gentleman from  
173 New Jersey, for 5 minutes for an opening statement.

174 Mr. Pallone. Thank you, Mr. Chairman.

175 I wish I could say we were coming back from the Memorial Day recess to address the high gas  
176 prices American families are facing this summer, but, instead, Republicans are choosing to put forth  
177 the slated bills that I think are only going to make matters worse.

178 Gas prices hit a 4-year high around Memorial Day weekend, and my Republican colleagues  
179 remain content to just sit back and do nothing while Trump continues to wage his reckless war of  
180 choice in Iran. As the Strait of Hormuz remains closed, gas prices are projected to continue to soar,  
181 and diesel prices are also skyrocketing, having increased nearly 50 percent since the start of the war.  
182 The impacts are being felt by our farmers, home builders, and manufacturers, as well as the truck,  
183 rail, and freight industries. Increased fuel costs are being passed on to American consumers  
184 through higher prices for groceries and other goods. And this is on top of price hikes from Trump's  
185 disastrous tariffs.

186 So it is no wonder that in April, inflation rose to a 3-year high, and yet Trump says he does not  
187 think about Americans' financial situation. Adding insult to injury, since the start of the war,  
188 Republicans big oil buddies earned a \$40 billion boost in profits while hardworking Americans have  
189 spent more than \$51 billion more on gasoline and diesel fuel.

190 And to make matters worse, the Trump administration has repealed the landmark  
191 endangered finding, the legal foundation of Federal climate protections. And with this repeal, the  
192 administration is also repealing all clean vehicle standards, forcing Americans to rely on higher  
193 polluting vehicles that could cost them over a trillion dollars more at the pump.

194 Now, the transportation sector is the largest source of climate pollution in the United States,  
195 threatening public health and welfare through increased exposure to extreme heat, ground-level  
196 ozone, extreme weather events, wildfire smoke and more.

197 Passenger vehicles, heavy-duty trucks, and locomotives also emit particulate matter, nitrogen  
198 oxides, and volatile organic compounds into the air, leading to respiratory disease, cardiovascular  
199 disease, and even premature death.

200 And these are serious health consequences that would be avoided with  
201 long-standing -- would have been avoided with long-standing Clean Air Act standards.

202 But, today, we are considering bills that undercut these clean air protections and force  
203 Americans to use even more fuel while increasing pollution.

204 For example, H.R. 6200 attempts to eliminate cost-saving, efficient, and innovative  
205 technology that helps save American families money at the pump. There is also a discussion draft  
206 that would block restrictions on idling school buses, wasting fuel and exposing children to dangerous  
207 air pollution.

208 Then there is H.R. 3194 that attacks States' abilities to meet air quality, public health, and  
209 climate goals by blocking them from setting more protective standards for older, dirtier locomotives  
210 in use today. And Republicans are also dredging up a bill that would further drag us backwards in  
211 cleaning up and modernizing our transportation sector.

212 In stark contrast, we also are considering H.R. 2140, the Diesel Emission Reduction Act, led by  
213 Representative Matsui, which reauthorizes a long-standing bipartisan program to cut pollution from  
214 legacy diesel engines.

215 And through the DERA program, EPA administers grants and loans to projects that help  
216 replace and retrofit dirty diesel engines around the country.

217 EPA estimates that DERA projects helped generate \$8 billion in health benefits between 2008  
218 and 2018. And I am pleased that this bill is up for consideration.

219           And the success of DERA demonstrates the importance of investing in clean technologies.  
220   Cleaning up the transportation sector helps Americans save on fueling costs while cleaning up the air  
221   that we breathe and combating the climate crisis.   So, in fact, the average electric vehicle driver  
222   pays roughly the equivalent of \$1.00 to \$2.00 per gallon while everyone else is spending over \$4.00  
223   at the gas station right now.

224           So at a time when Americans are hurting financially, we should be looking to cut costs for  
225   hardworking families.   And I am disappointed that the Republican bills seek to block these  
226   cost-effective policies in favor of doubling down on Americans' reliance on volatile and expensive  
227   fossil fuels.

228           With that, Mr. Chairman, I yield back the balance of my time.

229           [The prepared statement of Mr. Pallone follows:]

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231   \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

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233           Mr. Weber.   The gentleman yields back.

234           We will now conclude with member opening statements.   The chair would like to remind  
235 members that pursuant to the committee rules, all members opening statements will be made part  
236 of the record.

237           We want to thank our witnesses for being here today and taking the time to testify before  
238 this subcommittee.   The witnesses will have the opportunity to give an opening statement, followed  
239 by a round of questions from members.

240           Our witnesses for today are Fred Ferguson, president and CEO of the American Bus  
241 Association; Katherine Garcia, Clean Transportation for All Campaign Director, Sierra Club;  
242 Jacqueline -- is it Gelb?   Is that how you say that?   Okay. -- president and CEO of Truck and Engine  
243 Manufacturers Association; and James Conde -- that one I can do, James -- a partner at Boyden Gray  
244 PLLC.

245           We appreciate you all being here today.

246           I now recognize Mr. Ferguson for 5 minutes to give his opening statement.   Mr. Ferguson.

247

248 **STATEMENTS OF FRED FERGUSON, PRESIDENT & CEO, AMERICAN BUS ASSOCIATION; KATHERINE**  
249 **GARCIA, CLEAN TRANSPORTATION FOR ALL CAMPAIGN DIRECTOR, SIERRA CLUB; JACQUELINE**  
250 **GELB, PRESIDENT & CEO, TRUCK AND ENGINE MANUFACTURERS ASSOCIATION; AND JAMES**  
251 **CONDE, PARTNER, BOYDEN GRAY PLLC**

252  
253 **STATEMENT OF FRED FERGUSON**  
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255 Mr. Ferguson. Thank you, Mr. Weber, Mr. Palmer, Ranking Member Tonko, and members of  
256 the subcommittee. Thank you for the opportunity to testify today.

257 My name is Fred Ferguson, and I serve as the president and CEO of the American Bus  
258 Association. We represent the private motorcoach, charter bus, and group travel industries across  
259 North America.

260 I'm here to offer support for the bipartisan BUSES Act, sponsored by subcommittee member,  
261 Representative Langworthy. There is currently no uniform Federal idling standard for commercial  
262 passenger vehicles. As a result, States and municipalities have adopted a patchwork of varying local  
263 restrictions that interstate operators must navigate daily. The BUSES Act would set a uniform idling  
264 floor using EPA guidance to promote safety and eliminate this patchwork.

265 This debate is not about whether unnecessary idling should be reduced. Our industry  
266 supports cleaner air, newer equipment, lower emissions, and limited idling. The question is  
267 whether local governments should be allowed to punish federally regulated passenger carriers for  
268 the limited engine operations and the need to keep people safe while complying with Federal  
269 regulations.

270 A motorcoach is not a passenger car. It is a federally regulated commercial passenger  
271 vehicle carrying our seniors, students, workers, military personnel, tourists, and people with  
272 disabilities. These vehicles rely on engine operation to build air pressure for breaking systems,

suspension systems, passenger doors, wheelchair lifts, and HVAC to keep passengers and workers comfortable.

Federal law requires drivers to conduct pre-trip inspections and confirm the vehicle is safe before it moves. That requires the engine to run, and a sufficient pre-trip inspection can take anywhere from 15 minutes and sometimes more depending on the features of the bus.

The BUSES Act also supports passengers and employee health. Many modern motorcoaches are sealed passenger environments. In extreme heat, cold, or humidity, air flow and cabin temperature are directly connected to passenger and workforce health.

This point is not just coming just from us or from our passengers. This week, SMART, a union representing professional motorcoach operators and transportation workers serving New York City and the greater region, sent a letter raising serious concerns about the operational workforce and safety impacts of New York City's idling enforcement framework.

In parts of the city, motorcoaches face a zero-minute idling rule. And in other parts of the city, they have between 1 and 3 minutes of idling time. Neither reflects the reality of safely placing a federally regulated passenger vehicle into service or promoting safe conditions inside the cabin.

Similarly, transit buses, taxicabs, rideshares, trains, planes, all other movers of people, are not subjected to the same idling regime as the private motorcoach industry, which calls into question some of the benefits the underlying program may create.

New York City's system has also become a bounty program. According to public reporting, the city has paid many individuals over \$500,000 per year through its citizen idling complaint program. This program targets the private motorcoach industry for doing their job and complying with federally regulated rules.

Buses are part of the environmental solution. A full motorcoach can remove as many as 35 cars from the road. It reduces congestion. It moves people efficiently and provides one of the cleanest forms of passenger transportation in the country. According to research, there is less

carbon emitted per passenger mile by a motorcoach than all other forms of mass transportation, including trains, planes, van pools, ferries, and even transit buses.

Lastly, buses bring business. Motorcoach travel generates approximately \$158 billion in total economic output. We support \$50 billion in wages and contribute over \$27 billion in taxes to Federal, State, and local coffers, a significant contrast with some of the other operators of buses that don't pay any taxes at all.

The BUSES Act, it is a safety solution. It does not eliminate anti-idling laws, it does not authorize unlimited engine operation, and it does not weaken clean air goals. It establishes a reasonable Federal floor while preventing bounty-style enforcement mechanisms tied to bus operations.

Thank you for the opportunity to be here today.

[The prepared statement of Mr. Ferguson follows:]

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313 Mr. Palmer. [Presiding.] Ms. Garcia, you are now recognized for your testimony.

314  
315 **STATEMENT OF KATHERINE GARCIA**

316  
317 Ms. Garcia. Good afternoon, Chairman Palmer, Ranking Member Tonko, and members of  
318 the Subcommittee for Environment. My name is Katherine Garcia, and I am the director of Sierra  
319 Club's Clean Transportation for All Campaign. I live with my family in Washington, D.C., and I am  
320 the mother of a 6-year-old son.

321 I am honored to speak on behalf a of our millions of members and supporters today,  
322 particularly those who experience severe air quality issues living near highways, ports, and rail yards.  
323 These freight hubs are often located where Black, Latino, and low-income people breathe in toxic  
324 pollution from diesel trucks and buses every day.

325 At the Sierra Club, we are focused on accelerating the Nation's vehicle fleet to cleaner cars,  
326 trucks and buses, and trains. And our bedrock environmental law, the Clean Air Act, is crucial to  
327 this work. I urge Congress to protect and uphold the Clean Air Act protections.

328 Today, I am here to discuss the importance of urgently addressing three crises that are  
329 impacting our members: affordability, air quality, and climate. One of the best tools we have for  
330 addressing these issues is meaningful implementation of vehicle emission standards. The vehicle  
331 standards are most successful when paired with manufacturing investments that create jobs here in  
332 the U.S. and purchasing incentives that drives demand.

333 When Federal agencies were working to implement the Inflation Reduction Act, we saw  
334 overwhelming support by industry and experienced a manufacturing renaissance.

335 That meant good jobs in your States. Folks in Michigan, Texas, Nevada, California, Kentucky,  
336 Georgia, and Ohio were benefiting from record job growth in clean energy, clean vehicle and battery

337 manufacturing, and charging infrastructure assembly, until last year when President Trump and his  
338 administration made it clear that he wanted to prioritize his Big Oil buddies over the economic  
339 welfare and health of Americans.

340 Last year, President Trump and the EPA repealed crucial standards that would steadily  
341 increase the availability of cleaner, more fuel-efficient vehicles. With Republican support, he also  
342 made it more expensive for the general public fleet owners, school districts, and transit agencies to  
343 transition to cleaner vehicles that are cheaper to own and operate.

344 Since February, the war in Iran has caused a massive increase in the price of gasoline, which  
345 according to a Pew Research survey found as the biggest concern among Americans about the war.  
346 Gas and diesel prices have increased and it has caused a ripple effect in our economy.

347 By shifting their focus and producing affordable, cleaner cars and trucks for the U.S. market,  
348 manufacturers can help shield drivers from disruptive fuel price increases. Here in the U.S., drivers  
349 are eager to purchase electric trucks by Daimler and Volvo and cars from Ford, GM, and Toyota if  
350 they were more affordable.

351 Congress, you can help by upholding the Clean Air Act, reinstating incentives, pushing back on  
352 the administration's rollbacks, and holding manufacturers accountable to deliver for businesses and  
353 families.

354 The American Lung Association reports that nearly half of American children live in counties  
355 that received a failing grade for air pollution. Congress should fund programs that protect children.

356 The bipartisan Diesel Emissions Reduction Act, also known as DERA, has broad support across  
357 stakeholders and should be reauthorized since it has a long history of delivering cost-effective health  
358 benefits across the country.

359 Last year, Congress overturned vehicle standards that States implement to protect their  
360 residents from harmful pollution. And this year, the EPA proposed a 2-year delay for criteria  
361 pollutant standards for cars and trucks. And I actually testified this morning at that EPA hearing,

362 which continues tomorrow.

363 Combined with some of the proposed legislation discussed here today, sustained attacks on  
364 clean transportation will continue to make kids sick. Decades of relentless lobbying by the oil  
365 industry has slowed clean vehicle innovation, which has resulted in the transportation sector  
366 becoming the largest source of carbon pollution.

367 President Trump's egregious rollback of the greenhouse gas vehicle standards earlier this year  
368 means more polluting vehicles for decades to come and will continue climate-driven extreme  
369 weather.

370 Thank you for the opportunity to testify, and I am happy to answer any questions you may  
371 have.

372 [The prepared statement of Ms. Garcia follows:]

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374 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

375  
376 Mr. Palmer. Ms. Gelb, you are now recognized for your testimony.

377  
378 **STATEMENT OF JACQUELINE GELB**

379  
380 Ms. Gelb. Thank you.

381 Chairman Palmer, Ranking Member Tonko, and members of the subcommittee, thank you for  
382 the opportunity to testify today on behalf of the Truck and Engine Manufacturers Association.

383 I am Jacqueline Gelb, president and CEO of EMA, which represents the leading manufacturers  
384 of heavy-duty diesel engines and commercial vehicles operating in the United States.

385 Our members build the trucks, engines, and equipment that move freight, harvest crops,  
386 construct infrastructure, support emergency response, and power essential sectors of the American  
387 economy.

388 We have worked closely with Congress, EPA, and our customers for decades to develop  
389 technologies that achieve dramatic environmental improvements while maintaining the  
390 performance, durability, and affordability that our customers depend upon.

391 Today, I would like to discuss the critical role that diesel exhaust fluid, or DEF, and selective  
392 catalytic reduction, known as SCR, play in achieving the near-zero emissions performance of modern  
393 diesel engines, and why Congress should support efforts to improve the customer experience while  
394 preserving these environmental gains.

395 Twenty-five years ago, EPA adopted a groundbreaking rule requiring more than a 90 percent  
396 reduction of nitrogen oxide emissions from heavy-duty diesel engines. Meeting those standards  
397 required unprecedented and technological innovation and nearly a decade of development and  
398 implementation by manufacturers.

399 The technology that makes those reductions possible is SCR. SCR uses DEF, a simple mixture

of high-purity urea and deionized water to convert smog-forming nitrogen oxides into harmless nitrogen and water vapor before they leave the tailpipe. The results have been extraordinary.

Modern SCR systems routinely achieve greater than 90 percent NO<sub>x</sub> conversion efficiency. According to the U.S. EPA, advanced diesel engines equipped with SER technology have contributed a 76 percent reduction in NO<sub>x</sub> emissions from on-highway vehicles and a 42 percent reduction from off-road equipment since these standards were implemented.

Together, those reductions account for nearly 79 percent of the Nation's total reduction in smog-forming NO<sub>x</sub> emissions during that period.

Importantly, SCR has delivered more than cleaner air. It has also improved fuel efficiency by allowing engine manufacturers to optimize combustion while cleaning emissions downstream. SCR technology has reduced fuel consumption and lowered operating costs for truck fleets, farmers, contractors, and equipment owners across the country. This is one of the rare environmental technologies that simultaneously delivers cleaner air, better performance, and lower fuel use.

However, SCR can only work when DEF is available. A typical heavy-duty diesel engine uses just 2 to 4 gallons of DEF for every 100 gallons of diesel fuel consumed. Without DEF, emissions can increase significantly, effectively reversing decades of environmental progress. That is why EPA requires manufacturers to provide warnings when DEF levels become low and, ultimately, to limit engine performance if those warnings are ignored.

While the goal of these requirements is understandable, experience has shown that some inducement strategies can create unintended operational burdens. Truck drivers, farmers, and contractors have reported situations where equipment can become stranded far from service stations, creating delays, costs, and potential safety concerns.

Over the past year, EMA has worked constructively with EPA to develop practical improvements to these requirements. EPA's guidance issued in August 2025 and in January and March of this year provides manufacturers with greater flexibility to reduce operational disruptions

425 while still ensuring DEF is on board and emission systems continue to function as intended.

426 Manufacturers are already implementing updates consistent with that guidance.

427 For that reason, we welcome the committee's efforts to codify EPA's commonsense approach  
428 to the Diesel Emission Fluid Flexibility Act. We believe it strikes the right balance between  
429 environmental benefits and operational efficiencies.

430 We also strongly support reauthorization of the Diesel Emissions Reduction Act, or DERA.  
431 DERA has a proven record of placing safer and cleaner vehicles on the road. It remains one of the  
432 most effective and bipartisan clean air programs in the Federal Government.

433 In closing, the story of SCR and DEF is the story of American innovation. Together,  
434 manufacturers, regulators, and customers have achieved dramatic reductions in diesel emissions  
435 while improving fuel efficiency and maintaining the productivity our economy requires. As  
436 Congress considers changes to DEF-related requirements, we encourage a balanced approach that  
437 preserves those environmental gains while improving the real-world experience for the men and  
438 women who rely on this equipment every day.

439 Thank you for the opportunity to testify, and I look forward to your questions.

440 [The prepared statement of Ms. Gelb follows:]

441  
442 \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

Mr. Palmer. The chair recognizes Mr. Conde for 5 minutes for his testimony.

**STATEMENT OF JAMES CONDE**

Mr. Conde. Chairman Palmer, Ranking Member Tonko, members of the subcommittee, my name is James Conde, and I am a partner at the law firm Boyden Gray PLLC, a boutique law firm founded by former White House counsel and Clean Air Act lawyer extraordinaire C. Boyden Gray. I have been working on Title II issues for over a decade now.

Title II is nearing retirement age. It goes back 60 years to the 1965 Motor Vehicle Pollution Control Act. That year, Martin Luther King marched to Selma, and the United States sent the first ground troops to Vietnam.

In 1965, four in five of American families already owned at least one car. These cars were affordable and some were powerful.

Just the year before, Ford had released the iconic 1964 1/2 Mustang. These cars were cool, but not clean. They spewed black clouds of hydrocarbons, soot, and nitrogen oxides. They had no catalytic converter, no computerized engine controls, no oxygen sensor, no fuel injection. And they used leaded gasoline, a potent neurotoxin.

Diesel heavy-duty trucks were even dirtier. The result was smog. Photochemical smog was a particularly serious problem in the Los Angeles basin. Because of the area's sunlight, bowl-like geography, and wind patterns, L.A. is prone to photochemical smog.

As Judge Janice Rogers Brown memorably put it, in the 1960s, the air in the Los Angeles basin was so thick with smog that a mountain or even a nearby mountain range could simply disappear.

Those days are well behind us. Since 1970, manufacturers have reduced smog-forming emissions for new cars and trucks by over 99 percent. Leaded gasoline has disappeared from the

468 pump. Severe smog advisories, which used to plague L.A., have dropped to near zero. In sum,  
469 Title II has accomplished its goal: We have clean cars and trucks.

470 But the bureaucracies empowered by Title II keep moving the goalposts to justify ever more  
471 expensive regulation. During the last administration, EPA in California attempted to use Title II to  
472 shift the entire transportation sector to electric vehicles, including everything from sedans to freight  
473 trucks that need to carry tens of thousands of pounds and travel hundreds of miles per day.

474 These standards were out of touch with reality. Even by EPA's accounting, they would have  
475 cost over a trillion dollars and delivered negligible improvements in actual air quality for Americans.

476 Fortunately, Congress stepped in and passed bipartisan legislation to block California's  
477 electrification mandates. This failed regulatory push has resulted in one of the greatest  
478 misallocations of capital in U.S. history, with over \$100 billion in write-downs in electric vehicle  
479 investments so far.

480 This regulatory overreach is a good inflection point to reform Title II. Here are three  
481 suggestions for Congress. First, Title II needs to be cleaned up. Title II is over 100 pages long and  
482 contains many outdated provisions and programs pertaining to vehicles and fuels in the 1970s or  
483 1990s. Congress should repeal provisions that have outlived their purpose.

484 Second, California's waiver needs to be reformed. The extreme smog that justified a highly  
485 unusual waiver in the 1960s is a thing of the past. In my view, Congress should simply repeal  
486 California's waiver authorities going forward for future model years, placing California on an equal  
487 footing with every other State consistent with the principle of equality among the States.

488 Third, Title II should clearly prohibit EPA from considering electric vehicles when setting  
489 standards for internal combustion vehicles. Seismic industrial policies should be debated and  
490 enacted, if at all, by this body and not EPA.

491 I welcome your questions.

492 [The prepared statement of Mr. Conde follows:]

493

494       \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

495  
496           Mr. Palmer. I thank all of you for your testimony. We will now move to the question and  
497 answer portion of the hearing.

498           The chair will now recognize the gentleman from Ohio, the chairman of the Energy  
499 Subcommittee, Mr. Latta, for 5 minutes for his questions.

500           Mr. Latta. Well, thank you, Mr. Chairman. And thanks to our witnesses for coming before  
501 the subcommittee today.

502           Mr. Conde, last Congress, we passed the CARS Act that seeks to prevent the EPA from  
503 implementing any future vehicle emissions regulations that would mandate certain technologies or  
504 engine types. We have heard testimony today claiming the current administration's similar  
505 response for the decrease in electric vehicle purchases.

506           Would you expand on your point about the auto manufacturers' write-downs and what this is  
507 about Americans' interests in buying certain cars unless the government mandates them or takes the  
508 alternative away.

509           Mr. Conde. Sure. So I can speak to the point that manufacturers are not selling electric  
510 vehicles because of the change in policy. I don't think that is, frankly, true. I think they started  
511 underwriting their investments. And the sales started flatlining, even while the mandate was still in  
512 place. So even by 2024, when the mandate was finalized, all these investments were already  
513 collapsing and, frankly, because there is no consumer demand.

514           So there is a niche market for electric vehicles, luxury cars in certain areas of the country, but  
515 it is just not something that is going to take off in this country, at least in the foreseeable future.

516           Mr. Latta. Well, here you made a point when you said about consumer demand. And one  
517 of the things I have always said is, I think that the American people should drive whatever they want.  
518 If they want to drive an internal combustion engine or if they want to drive an EV, that is up to them.  
519 But the mandates coming from Washington really don't turn out very well for the consumer.

520 I am going to continue, Mr. Conde. You also stated in your testimony that the  
521 Environmental Protection Agency under the last administration weaponized Clean Air Act under  
522 section 202(a), enforce power train changes. Do you believe it is appropriate to use this section to  
523 eliminate new motor vehicles from -- with this type of authority.

524 Mr. Conde. No, absolutely not. And we are in litigation on that precise question in several  
525 cases. It is a major question of the kind that the Supreme Court has been clear, has committed to  
526 this body, to Congress. And EPA cannot, without clear authority, mandate an entire shift to a  
527 new -- to electrification of a whole motor vehicle fleet.

528 We had the same issue exactly in West Virginia v. EPA, where the Supreme Court said you  
529 can't mandate a shift from coal to solar and wind. The same issue applies here, so it is illegal and  
530 we are glad that President Trump is stopping it.

531 Mr. Latta. Thank you.

532 Repealing mandatory State-level inspection and maintenance programs for motor vehicles  
533 could allow States to determine whether vehicle inspections are appropriate for their air quality  
534 needs and save consumers time and money through inspection fees, repair requirements, and  
535 administrative burdens.

536 In northeast Ohio, there are seven counties required to participate in eCheck program, which  
537 is a vehicle emissions inspection program. It requires certain vehicles to undergo emissions testing  
538 every 2 years before registration renewal.

539 And I am picking on you, but -- again, Mr. Conde, regarding Ohio's eCheck program that exists  
540 primarily because of the Federal Clean Air Act requirements, how much flexibility and cost savings  
541 would Ohio consumers gain if the Federal inspection and maintenance mandate was eliminated.

542 Mr. Conde. I don't have precise numbers for you on that, but I am sure it would be very  
543 helpful. I know that States all have an incentive to meet the Clean Air Act requirements because,  
544 otherwise, there are certain regulatory burdens that are applied to them. So I think States can do

545 what they think is best in this area to improve their own air quality without Federal mandates.

546 Mr. Latta. Well, thank you very much.

547 And, Mr. Chairman, I am going to yield back the balance of my time. Thank you very much.

548 Mr. Palmer. The gentleman yields.

549 The chair now recognizes the ranking member, the gentleman from New York, Mr. Tonko, for  
550 5 minutes for his questions.

551 Mr. Tonko. Thank you, Mr. Chair.

552 Ms. Gelb, is it correct that selective catalytic reduction systems were not the norm 25 years  
553 ago.

554 Ms. Gelb. That is true. When we started, and it is part of my testimony, 20 years ago to  
555 working on the regulation really focused on NOx, new NOx standards and moving into greenhouse  
556 gas<sup>1</sup> and greenhouse gas<sup>2</sup> for trucks, that is where we started to see SCR coming to the marketplace,  
557 and it was to be able to balance the fuel efficiency requirements, what our customers needed, to be  
558 able to be successful as well as meet our Federal emissions standards.

559 Mr. Tonko. Well, as you indicate, those past two decades, the EPA has set those ambitious  
560 standards to reduce NOx and other pollutants from heavy-duty vehicles. And during this time,  
561 vehicle engine and emission control manufacturers have made major investments in R&D,  
562 developing new and improved technologies to comply with EPA's requirements and address this  
563 environmental challenge. This is a great example of American ingenuity at work. But we have  
564 only been successful because there was long-term regulatory certainty for the Clean Air Act  
565 requirement pushing technology development forward.

566 So, Ms. Gelb, is it accurate that these vehicles with selected catalytic reduction systems  
567 actually use less diesel fuel.

568 Ms. Gelb. Yes, that is correct. Thank you for the question.

569 This is a technology that has been in place for our industry. Our industry is -- to your

point -- has invested billions of dollars to bring it to the marketplace. It is also a technology that continues to be improved.

I want you to think of our manufacturers as constantly thinking through continuous improvement, right. They want to bring technology to the marketplace that, first, gives them time to bring it from a durability standpoint, being able to test and validate that, but also making sure that it works for our customer. A customer is a business. I want you to think of it is a truck fleet, right, it is a farmer, it is someone who is out on a construction site. Our equipment needs to be able to work for them. It needs to give them a benefit. It needs to work for their operations, then you see operational savings.

And so the ability to save fuel, have -- be more fuel efficient, safe fuel is something that is going to give them that operational benefit to where they want to go and purchase the newest and cleanest truck on the road.

Mr. Tonko. Well, that cost reduction is about 40 cents per gallon of diesel, and -- so progress was made. But if a vehicle is not properly supplied with diesel exhaust fluid, can that actually result in higher NOx emissions.

Ms. Gelb. Yes, it could, Congressman. That is also -- when these -- this technology has been engineered by our manufacturers, it has been engineered over a period of time where it is now fully integrated into the system of that piece of equipment. So just as we think of power trains as the transmission and the engine are linked to each other, the SCR system is the exact same way.

This is not a bolt on technology, it is not something we can take on, something we can take off. So having DEF, making sure that that system works properly, gives them fuel savings, but it is also making sure that it is taking care of the components, the health of the components.

Mr. Tonko. So there is a challenge, then, of relying upon vehicle operators to make certain the equipment is being used correctly and the public health and environmental benefits of these systems are being fully realized, which is why inducements are necessary.

595 I know there will be members that will say, well, look how much progress we have made in  
596 reducing vehicle emissions. Our cars are clean enough already. But it is clear that if we fail to  
597 enforce Clean Air Act rules, that progress can quickly be eroded and evaporated.

598 So, Ms. Garcia, there are still many people, especially those living near ports and highways  
599 and distribution centers, that are dealing with high levels of pollution. Why is it critical for these  
600 communities that we maintain strong Clean Air Act public health protections that do indeed promote  
601 innovation.

602 Ms. Garcia. Thank you for the question. Yes. So one of the things that I want to point  
603 out here is that, for decades, every time industry has engaged in rulemaking, they have exaggerated  
604 the cost that it would cost for transitioning to a cleaner type of vehicle.

605 Just for example, in the 1970s, my fellow panelist here, Mr. Conde, mentioned that in the  
606 seventies before catalytic converters, there was a terrible smog problem in the L.A. basin. That is  
607 true. But those manufacturers in the 1970s argued with EPA and demanded that the vehicle  
608 regulation be weakened and drag their feet until they continued -- until EPA was successful with  
609 passing regulation. And now we have catalytic converters in combustion vehicles.

610 This is the same story we have seen decade after decade after decade. Manufacturers have  
611 continued to push back against regulations.

612 So given that we have distribution centers all over the country, we have highways dividing  
613 communities, we have homes in the shadows of overpasses, the Clean Air Act has not gone far  
614 enough. We need stronger regulations. And as you mentioned, we do need certainty. As we  
615 speak, members of the committee are telling EPA that we need to continue to uphold the Clean Air  
616 Act and we need to uphold and implement the standards that are in place.

617 Mr. Tonko. I thank you for that.

618 And with that, Mr. Chair, I yield back.

619 Madam Chair, I yield back.

620 Mrs. Fedorchak. [Presiding.] Thank you. Thank you, sir.

621 The chair now recognizes the gentleman from Texas for his 5 minutes of questions.

622 Mr. Weber. Thank you, Madam Chair. I would certainly say we got an upgrade.

623 Mr. Conde, in 1967, amendments to the Clean Air Act allowed the Federal Government to  
624 raise preemption for the State of California. While this may have been necessary at the time, your  
625 testimony highlights that California's waiver is presently outdated; and I will say way outdated. Can  
626 you explain to what California's current waiver authority impacts the emission standards and  
627 regulations in other States, as well as the interstate commerce at large.

628 Mr. Conde. Yes. So in 1967, Congress enacted a particular waiver authority that is pretty  
629 unique that allows California to set emission standards within its State. But then in 1977, Congress  
630 further amended the Act to allow other States in the country to adopt California's standards. And  
631 this, in practice, means that California has a veto over manufacturer production decisions in about  
632 one-third of the market, which effectively means the whole national market. So that gives  
633 California enormous regulatory authority.

634 Mr. Weber. Well, absolutely it does. And is there something to be said that all of these  
635 regulations serve more so to drive the cost of vehicles as well as freight delivery and fuel higher than  
636 it has such a small impact on curbing emissions in a small way? Is that safe to say.

637 Mr. Conde. That is very safe to say.

638 Mr. Weber. Mr. Ferguson, would you agree with that.

639 Mr. Ferguson. Yes, I would.

640 Mr. Weber. Okay, thank you for that.

641 I am going to come back to you, Mr. Conde, I think is where I am going next. I have a district  
642 along the Gulf Coast of Texas that is home to several key waterways. We have seven ports, a lot of  
643 manufacturing, a lot of refining on the Gulf Coast of Texas. We serve as a lifeline to not only our  
644 energy -- our country's energy export trade and also import in a lot of things, import a lot of trade in

645 the Gulf Coast of Texas. As such, our inland waterways remain an absolutely crucial linchpin to our  
646 Nation's transportation sector.

647 Can you explain some of the effect the California mission waivers could have even on  
648 ocean-faring vessels.

649 Mr. Conde. Yes. So California has a rule requiring ocean-going vessels to, essentially,  
650 electrify when they stop at the Port of Los Angeles, for example. And the ports in California account  
651 for about 40 percent of the freight moved in the country. So pretty much every ocean-going vessel  
652 moves through California. And, essentially, that requires vessels, even foreign-flag vessels, to adopt  
653 equipment to electrify that they currently don't have and spend millions of dollars just to dock at the  
654 Port of Los Angeles.

655 Mr. Weber. And can you imagine the amount of paperwork and the expense from a legal  
656 document, whether there is attorneys involved I think -- any other attorneys on the panel? Okay.  
657 So you are safe right now.

658 So imagine the amount of paperwork that is involved in trying to make sure that all of these  
659 other vessels, these companies, whether they are from the United States or they from, as you  
660 pointed out, an ocean-flag vessel, whether from across the seas, if you will. What about the  
661 amount of expense? What does that do to the price of the goods.

662 Mr. Conde. It has a substantial increase in the cost there, because it is not just California,  
663 but there are also similar European regulations that are out now that are making it extremely  
664 difficult --

665 Mr. Weber. Yeah.

666 Mr. Conde. -- to be a global company.

667 Mr. Weber. Well, I appreciate it.

668 Mr. Ferguson, I am coming back to you. Thank you for being here today. You highlighted  
669 the significant investment in technological advances in cleaner equipment that motorcade coaches

670 now utilize. For instance, you mentioned that, quote, since 2000, nitrogen oxide emissions from  
671 motorcoaches have declined by approximately 98 percent, which is a significant industry  
672 achievement compared to previous decades. However, certain State regulations -- talking about  
673 California; now we are going to move over to New York City, for example -- continue to alter those  
674 very standards that y'all are aiming for.

675 What does the future hold for y'all's industry -- that is a Texas word, "y'all" -- what does the  
676 future hold for y'all's industry if there is no uniformity and found with respect to motorcoach  
677 emissions.

678 Mr. Ferguson. Well, a modern motorcoach, you know -- you all may not know it -- is a  
679 \$650,000 piece of equipment, highly technological, highly innovative, and not cheap. And to  
680 procure vehicles, to manage your fleet, you need significant capital at your disposal. And to deploy  
681 your capital, you need long-term certainty. And what has happened with CARB in California is  
682 different engine model year requirements have gotten out of whack, where we have an EPA standard  
683 that requires one set of capital expenditure plannings that California, through some of their  
684 regulations, have completely changed. And California, similar with shipping, is a huge market for  
685 motorcoaches.

686 Mr. Weber. Okay. I appreciate that.

687 Madam Chair, I yield back.

688 Mrs. Fedorchak. The gentleman yields.

689 The chair now recognizes Mr. Pallone for his 5 minutes of questions.

690 Mr. Pallone. Thank you.

691 My questions are of Ms. Garcia. A number of the bills considered today, I believe, would  
692 actually drive up expensive fuel use while undermining critical Clean Air Act public health protections,  
693 as I said in my opening statement.

694 So first question, Ms. Garcia, what do higher fuel prices mean for Americans, and how are

695 these costs rippling through our economy, if you will.

696 Ms. Garcia. Thank you for the question. As I mentioned in my testimony, since February,  
697 President Trump's war has caused a massive increase in the price of gasoline. Drivers are dreading  
698 the trip to the gas station and calling it pain at the pump. Today, on average, gas is over \$4.26 per  
699 gallon and diesel is about \$5.41 per gallon. The persistent fuel price increase has had a ripple effect  
700 across the economy, impacting the widespread market for manufactured goods, such as cars,  
701 medical supplies, clothing and household items. Even more troubling, Big Oil is using geopolitical  
702 chaos as cover to drive prices up and deliver massive windfall profits to their shareholders.

703 From groceries, to housing, to rising fuel costs and utility payments, families are paying more  
704 for everything. And transportation is the second highest household expense after housing. In  
705 much of the country, the cost of transportation is determined by the necessity of owning and paying  
706 for fuel, insurance, and maintenance. And these expenses are adding up every year, placing  
707 significant burden on working families.

708 And I will note, earlier in the year, EPA initiated a rulemaking to roll back the cafe standards,  
709 the fuel economy standards. This is actually making it so drivers are paying more per gallon, per  
710 mile that they drive. And so at a time when fuel costs are skyrocketing and many people would  
711 choose to pay less for gas, they would choose to buy more fuel-efficient vehicles, they would choose  
712 to have an electric vehicle, it is actually harder for them because manufacturers are not delivering on  
713 that demand.

714 Mr. Pallone. Republicans have -- I say they have waged a war against homegrown clean  
715 energy policies and technologies that lower costs for Americans. So, I mean look no further than  
716 the repeal of all clean vehicle standards, which you have already talked about.

717 So let me ask you, how do strong clean vehicle standards and incentives help cut costs for  
718 Americans.

719 Ms. Garcia. Yeah. Thank you for the question. Essentially, when the previous

administration initiated the stronger regulations, the regulations that were in place starting in 2021, that actually encouraged manufacturers to steadily increase the amount of fuel-efficient vehicles and even electric vehicles. At that point, the people that are buying electric vehicles and are driving plug-in hybrids, they are spending less, they are getting around town, they have less maintenance costs and, generally, have more money saved at the end of each week instead of this pain at the pump that we are seeing today.

Mr. Pallone. So, I mean, my point that I keep making is that consumers save money if they are using clean vehicles. Meanwhile, prices keep going up because of the Iran war from the Trump administration. And I think it is important to reduce Americans' dependence on fossil fuels in general because of the geopolitical risk, cleaning up our air. And we should be working to restore and expand commonsense measures like what you mentioned with clean vehicles, just for the -- not only for cost purpose, but for the sake of health and of our community.

So, unfortunately, many of the Republican bills discussed today go in the opposite direction, in my opinion, and I fear that Americans are going to pay the price.

So thank you for your testimony.

I yield back, Mr. Chairman.

Mrs. Fedorchak. The gentleman yields.

The chair now recognizes Mr. Joyce from Pennsylvania for his 5 minutes of questions.

Mr. Joyce. Thank you for holding this important hearing today and to our panel for testifying.

During the Biden administration, we saw unprecedented attacks on consumer choice in vehicles, putting into place emission requirements so stringent that they created de facto electric vehicle mandates. In addition, California attempted to use the unique Clean Air Act waiver to require a phase-out of internal combustion engine vehicles.

Americans across our country in States that followed California's standard were faced with

745 California bureaucrats attempting to ban them from purchasing affordable, reliable vehicles based on  
746 radical principles, rather than the reality of what the consumer wanted and what the consumer could  
747 afford. Thankfully, Congress successfully blocked these efforts with three CRAs, including my  
748 legislation disapproving of California's advanced Clean Cars II standard. However, there is ongoing  
749 concern that future administrations and regulations could once again impose unrealistic standards  
750 that harm consumer choice.

751 Mr. Ferguson, in your testimony, you speak about how motorcoaches provide transportation  
752 service in rural areas, rural areas like I represent in central Pennsylvania, where rail or air options are  
753 often not the first choice. Do you agree that electric vehicle mandates applied to motorcoaches  
754 would rather further limit transportation options specifically in rural areas.

755 Mr. Ferguson. I do agree. The running cost for an electric motorcoach is about double the  
756 cost of a regular motorcoach.

757 Mr. Joyce. And who is going to incur that increased cost.

758 Mr. Ferguson. Well, local business owners and ultimately their customers. And the  
759 primary --

760 Mr. Joyce. Is that going to potentially limit their ability to take a motorcoach ride, maybe to  
761 get on a coach and come to Washington, D.C.

762 Mr. Ferguson. Well, you have kind of the theoretical in the cost, but the reality is operating  
763 interstate motorcoaches you are not on a closed loop, you are not in an airport circuit, you are not  
764 on even a transit route where charging can be more predictable. When you have 55 passengers in  
765 the back and you are stopping for food where are you going to charge up, and how long is that  
766 charging going to take, and how long can your passengers wait as they are trying to get to field trips  
767 and school events and sports games? What are they going to do while you are filling up.

768 So I don't think our industry is anti-electric vehicle are. In fact, there is a lot of alternative  
769 propulsion technologies that we are interested in. It is all about that lead time of adoption and

770 allowing them --

771 Mr. Joyce. It is about the cost as well.

772 Mr. Ferguson. Absolutely. And I think cost over time can become more predictable and  
773 manageable, but the market needs to dictate those decisions, not --

774 Mr. Joyce. Not government.

775 Mr. Ferguson, do you agree when jurisdictions like New York and like California impose these  
776 mandates, that it has an impact across State lines, impeding the ability for what you were just talking  
777 about, for motorcoach operators to provide that necessary transportation ? Those sporting event  
778 trips, those field trips. Do does this impede that?

779 RPTR SCHWALM

780 EDTR CRYSTAL

781 [3:43 p.m.]

782 Mr. Ferguson. We have got current research that shows 35 percent of East Coast  
783 motorcoach operators, including many in Pennsylvania, are reducing trips into New York City because  
784 of the cost of complying with their regulatory regime.

785 On average, it is about \$50,000 in new costs that our small businesses are having to either  
786 swallow themselves or pass on to their customers.

787 Mr. Joyce. Mr. Conde, you discussed the successful  
788 bipartisan efforts to block California's EV mandate. In your opinion, did the successful passage of  
789 these CRAs do enough to prevent future attacks on consumer choice.

790 Mr. Conde. It is a very helpful start, and we appreciate Congress' action there, but it is not  
791 sufficient. I know that if there is a second Biden 2.0 administration they are going to try the same  
792 moves again. We are going to see the same capital misallocations and the same regulatory history  
793 happen once again unless the Supreme Court clears up this issue, which we will ask it to do.

794 But if the Supreme Court does not definitively decide this issue, we could use legislation to  
795 clear up and make sure that the next administration can't try the same move again.

796 Mr. Joyce. This committee has already taken positive steps to protect consumer choice and  
797 to push back on the burdensome regulations, and the bills under consideration today represent a  
798 much-needed modernization of the Clean Air Act.

799 Thank you. With the remaining time, I yield back.

800 Mrs. Fedorchak. The gentleman yields.

801 The chair now recognizes Mr. Ruiz from California for his 5 minutes of questions.

802 Mr. Ruiz. Thank you.

803 I represent California's 25th Congressional District, the Coachella Valley, Imperial Valley, San

804 Jacinto Valley, Pass area.

805           These are communities where public health is a daily emergency, quite honestly, with the  
806 contamination of the air, because according to the American Lung Association's State of the Air  
807 Report, Imperial County ranks 13th in the Nation for ozone pollution and 18th for annual particulate  
808 matter. The Coachella Valley, Riverside County often gets a grade of F during their report cards as  
809 well.

810           The Imperial Valley is one of the most polluted areas in the country. The Calexico-El  
811 Centro-Heber corridor is already failing Federal air quality standards, and in some stretches the  
812 particulate level runs ten times higher than what the Federal Government considers safe to breathe.

813           Diesel trucks on the I-10 and the State Route 111, cargo traffic through the Calexico port of  
814 entry, and dust blowing off farm fields have put pollution to levels that are not marginal violations.  
815 They are a public health emergency.

816           As of 2019, asthma-related pediatric emergency room visits and hospitalizations in Imperial  
817 County were double the California State average, and the county's overall asthma hospitalization rate  
818 has remained nearly twice the statewide rate ever since.

819           Imperial County also records amongst the highest rates of childhood asthma hospitalizations  
820 and emergency department visits anywhere in California.

821           So I have to be honest about what I see in the bills before us today. Several of these  
822 proposals, including the Choice in Automobile Retail Sales Act and the State Emissions Authority Act,  
823 would undermine California's longstanding, congressionally granted authority to set vehicle emission  
824 standards stronger than the Federal floor.

825           California has held this waiver authority since the original Clean Air Act was signed into law  
826 more than 50 years ago. It exists because California's air quality challenges are unique due to its  
827 geography, the population, the traffic, and the suffering of communities.

828           These bills would be a step backward for public health at exactly the moment we need to be

829 moving forward.

830 I am also concerned about the proposals that provide blanket exemptions under the Clean Air  
831 Act for requirements of inducement-related diesel engine derates and to create carve-outs for  
832 engine idling restrictions.

833 Diesel exhaust is a known carcinogen. The health costs of diesel pollution fall  
834 disproportionately on low-income communities, rural communities, and communities of color,  
835 communities that I represent.

836 Rolling back the tools manufacturers, States, and localities use to reduce diesel pollution is  
837 not modernization like my Republican counterparts push for. It is regression.

838 Ms. Garcia, the communities I represent bear some of the worst pollution burdens in  
839 California. And as I just outlined, many of these bills would lead to increased diesel pollution.

840 What would that mean for the health of frontline communities like those in the Imperial and  
841 Coachella Valleys.

842 Ms. Garcia. Thank you for that question, Congressman.

843 I am glad you mentioned -- I know that you were a doctor and health is very, very important  
844 to you and to all parents.

845 When my son was 1 we were living here in D.C. and he had a severe fever and difficulty  
846 breathing. We took him to the emergency room and he had RSV. It was so scary because he was  
847 born a preemie. And as I was holding him, I was terrified, and the doctor gave him a breathing  
848 treatment at that time.

849 I do this for a living. I advocate for the Clean Air Act and for strong standards and for moving  
850 forward on holding manufacturers accountable, and I truly feel that no parent should feel helpless as  
851 their child is struggling to breathe.

852 So that is the reason why California was given the authority to set stricter standards than the  
853 Federal Government.

854 Mr. Ruiz. If I may, communities that live near high-pollution, in high-pollution areas, next to  
855 I-10, live on average 10 years less.

856 This is not a joke. This is not theoretical. This is not about political partisan messaging  
857 around these fake so-called mandates that don't exist. This is about people living 10 years less on  
858 average. That is the public health impact, the impact on people's lives.

859 I can tell you many folks on both sides of the aisle would rather live 10 years more with their  
860 grandchildren and their family than deal with these cuts in protections to their health.

861 Thank you. And I yield back.

862 Mrs. Fedorchak. The gentleman yields.

863 The chair now recognizes Mr. Carter of Georgia for his 5 minutes of question.

864 Mr. Carter of Georgia. Thank you, Madam Chair.

865 And thank all of you for being here. This is an extremely important hearing talking about  
866 modernizing the Clean Air Act in respect to the mobile source pollution sources.

867 Let's face it, the Clean Air Act is a significant piece of legislation. It is historic landmark piece  
868 of legislation, and it was certainly needed in the 1960s.

869 But it hasn't been updated since then and it needs to be updated. We know that we have  
870 learned that there need to be some real changes made to it because it is showing its age. We don't  
871 have leaded gasoline anymore. We don't have vehicles without catalytic converters or oxygen  
872 sensors. And all of that has changed and changed the situation that we live in now. So we need to  
873 update this.

874 Since 1970 smog-forming emissions have been reduced by 99 percent, and that is significant,  
875 and we need to update the Clean Air Act to meet those standards that are there today.

876 Mr. Conde, let me ask you, in your testimony you discussed the need to clean up Title II to  
877 outdated provisions and programs that were designed for vehicles and fuels from decades ago.

878 What are the consequences if we don't do that? What are the consequences if we leave

879 Title II as they are.

880 Mr. Conde. There is a lot of confusion, so a lot of attorneys are going to be making a lot of  
881 money poring over pages that are no longer relevant to the actual public. It has a lot of costs to  
882 businesses. We are just trying to figure out what the law is and what it means.

883 Mr. Carter of Georgia. Good.

884 Mr. Ferguson, you brought up some pretty interesting points in your testimony, particularly  
885 regarding the challenges of bus operators that they face in places like New York City.

886 Routine operational activities that are needed for passenger safety and even ADA compliance  
887 are now being weaponized and expanded through predatory citizen complaint programs, similar to  
888 what you just referred to.

889 Mr. Ferguson, what can we do in Congress to ensure that bus operators are not taken  
890 advantage of for simply doing their job and working to keep passengers safe.

891 Mr. Ferguson. Well, the bipartisan BUSES Act, which has been spearheaded by Mr.  
892 Langworthy and Mr. Gottheimer, is a great place to start. It gives operators the framework to  
893 complete their pre-trip safety inspections to allow time to get the systems, the sensors, the lifts,  
894 everything up and running as it should, which promotes and encourages safety in the operation of a  
895 motorcoach, which on average takes about 35 individual cars off the road.

896 Mr. Carter of Georgia. Is this the Bus Idling Act that you are referring to.

897 Mr. Ferguson. Yes, sir.

898 Mr. Carter of Georgia. Good.

899 It seems to me like some of these oppressive policies stem from our outdated Clean Air Act  
900 and may actually lead to less bus travel and put more cars on the road. We could shoot ourselves in  
901 the foot. Wouldn't you agree.

902 Mr. Ferguson. Absolutely. And we have seen 35 percent of our operators in the East Coast  
903 are reducing trips into New York City because of this idling enforcement program which, as I had

904 stated in my testimony, does not apply to transit or other movers of people such as taxicabs or  
905 rideshares. Only the private motorcoach industry is targeted under this program.

906 Mr. Carter of Georgia. Are there any other type of real world impacts that out-of-touch local  
907 anti-idling standards are having on motorcoach operators.

908 Mr. Ferguson. Well, I think the long-term predictability of regulation allows in the case of  
909 the motorcoach industry to see 98 percent reductions in NOx and other particulate matter.

910 It has happened over a long period of time through public-private partnerships. And so I  
911 think the message is predictability. Partnerships, being able to understand the rules of the road,  
912 allow us to innovate and to use the power of the free market to solve some of these problems.

913 And that is what we have seen thus far. There is a new engine year coming out in 2027  
914 where you are going to see continued improvements in the sustainability and efficiencies of these  
915 engines.

916 Mr. Carter of Georgia. Well, I would agree. And I would submit I am somewhat offended  
917 that you would think that we don't want clean air. We all want clean air. But we want to be smart  
918 about this and we want to have policies in place that apply to today and are applicable to today as  
919 opposed to 1960 when they were written.

920 I thank all of you for being here.

921 And I thank you, Madam Chair, for this opportunity to address a very important issue, and  
922 that is we want to come up with new policies, but at the same time we need to be looking at these  
923 existing policies and how we can make them better and smarter.

924 Thank you. And I yield back.

925 Mrs. Fedorchak. The gentleman yields.

926 The chair now recognizes Mr. Peters of California for his 5 minutes of questions.

927 Mr. Peters. Thank you, Madam Chair.

928 Since the passage of the Clean Air Act the emissions of common air pollutants have dropped

77 percent, while GDP and job growth have grown by 200 percent. And the Environmental Protection Agency has estimated that the central benefits of the law exceed its cost by a factor of more than 30 to 1. It is a key example of our ability to balance economic growth and still have environmental protection.

I just want us to be conscious that throughout the history of this bill these conversations were had by folks who said we really can't make these restrictions or we will suffer great economic harm. And I think these trades have been proven that they not only supported economic prosperity, they have supported innovation and supported better health. So I want to keep that in mind.

And, Ms. Garcia, you referred to the Clean Air Act as a bedrock environmental law. I just want to say that I often hear every law referred to as a bedrock environmental law. There are two. They are the Clean Water Act and the Clean Air Act.

These are the bills that actually substantively prohibit the emission of pollution into the environment that can risk public health and safety, and I think we should really keep that in mind. These are really important.

And yet, like all the environmental laws, they didn't come to us from Moses on tablets. We have to look at them and we have to revise them and modernize them.

And so a couple of you have made points I think are good. I think, Mr. Ferguson, your point about a minimum idling time is something we should look at. The only thing is, I want it to be enforceable. It seems to me that these drafts take some of that away, but I think we could probably close that gap.

I thought your point, Ms. Gelb, about DEF is something we should take seriously, and maybe we can work an answer around that.

But I just want to keep in mind that everybody has been complaining for decades that we can't possibly comply, and it often works out that we can. So let's work together on real fixes that I think we can tailor and that can meet our moment.

954 I do want to say that there are other issues that we ought to be able to address, too. Over  
955 the past year, while they were waiting for a grid connection, Elon Musk's xAI data center in Memphis,  
956 Tennessee, was powered by over 30 gas turbines, none of which had a single clean air permit. That  
957 is enough energy to power over a quarter million homes.

958 At their second data center in Southaven, Mississippi, they now have 40, and they seem to  
959 continually truck in new turbines that have not been permitted. These turbines emit up to 2,000  
960 tons of harmful air pollutants into the atmosphere annually, operating with no transparency, no  
961 restrictions, and flouting the Clean Air Act entirely because xAI was somehow able to categorize  
962 these turbines as mobile sources because they were on trailers.

963 But they are fixed -- they are connected to a fixed supply of natural gas, meaning that they  
964 are absolutely not mobile. And the EPA guidance came out this year that reiterated that these  
965 types of turbines are not mobile sources.

966 Ms. Garcia, how much clearer does the law need to be on this issue? Are we seeing this in  
967 other parts of the country.

968 Ms. Garcia. So as you mentioned, the generators are absolutely not mobile sources and  
969 they are not temporary sources either. Conveying them as either mobile or temporary does a real  
970 disservice to the Clean Air Act, and as we saw, causes real harm to the communities around those  
971 data centers that are looking to flout the law.

972 The law is very clear in this aspect, but we need actual enforcement, something that many  
973 States and this EPA are just refusing to do.

974 No one should get a free pass to violate the law and pollute the air.

975 Mr. Peters. Thank you.

976 Ms. Garcia. Endangering the lives of the people right next door is unacceptable.

977 Mr. Peters. Yeah. I do also want to just talk for a minute about innovation.

978 Industry and consumers -- we have talked about this in the context of methane -- are tired of

the regulatory ping-pong between Republican and Democratic administrations. It is impossible to invest without clear laws, create newer, cleaner, and smarter products.

And I would just call out the CARS Act, for one example, would block EPA from finalizing vehicle emission standards that would mandate the use of specific technology or, quote, "result in the limited availability of new motor vehicles."

That is so broad and vague that it could hamper EPA's ability to promulgate any future rules in the future.

Now, none of these bills are going to get 60 votes in the Senate, so the administration will be forced to do them unilaterally and then a Democratic President will unwind them. I do think we should work in this room on real fixes.

And, meanwhile, with respect to cars, China is building 20 electric vehicle dealerships in Canada and looking to open car manufacturing plants in Mexico.

All this talk about dissing electric vehicles is ignoring that that is where the world is going, and we should be leading, not giving it away.

And I yield back.

Mrs. Fedorchak. The gentleman yields.

The chair now recognizes the gentlelady from Iowa for her 5 minutes of questions.

Mrs. Miller-Meeks. Thank you, Madam Chair, for holding this important hearing.

And I also want to thank our witnesses for being here today.

It is interesting to hear my colleagues speak. So I agree with Representative Buddy Carter that we have regulations that were put in place almost half a century ago and need to be modernized.

And I also agree with Representative Peters that sometimes we hear that a regulation will be so onerous that it will eliminate an industry.

And so I think that what we are hearing is that there is actually bipartisanship here on Capitol

1004 Hill.

1005 So America's farmers rely on dependable vehicles, equipment, and transportation networks  
1006 to plant, harvest, and deliver food, fuel, and fiber to consumers across the country. Yet, many of  
1007 the Clean Air Act's mobile source regulations were developed decades ago, as was iterated, and have  
1008 become increasingly complex, costly, and disconnected from the realities of modern agriculture.

1009 Requirements related to emissions controls, engine technologies, and vehicle standards can  
1010 increase equipment cost, reduce reliability in challenging operating conditions, and create  
1011 unnecessary downtime during critical planting and harvest seasons.

1012 And when your profit margin is next to nil, all of these small changes are important and  
1013 critical to being able to keep agriculture thriving.

1014 Mr. Conde, how can Congress modernize provisions of Title II to protect the environment  
1015 while ensuring regulations are tailored to minimize costs on consumers and producers.

1016 Mr. Conde. So I think codifying the recent guidance on DEF by the EPA administrator would  
1017 be a very good place to start. I know we represent a lot of farmers and that is a big issue for them.

1018 Mrs. Fedorchak. Well, speaking of DEF, Ms. Gelb, the cost of farm equipment is something  
1019 that impacts farmers across my State and the Nation. How might current proposals on diesel  
1020 emissions fluids, or DEF, impact the cost of farm equipment? And what would happen if we  
1021 eliminated the DEF requirement for farm equipment.

1022 Ms. Gelb. Thank you for the question.

1023 So as I have said, manufacturers have been investing in this technology, validating this  
1024 technology. And to the point that you made earlier, it is in the forefront of the manufacturers'  
1025 minds, making sure that equipment works for their customers.

1026 We do not like our equipment to fail. We know how important our equipment is to our  
1027 customers with making sure that it is working for their business for them.

1028 We have been working on this technology for so long it now is fully integrated into that

1029 system. So the pure elimination of DEF can impact the operation of that system, as well as the  
1030 emissions side of it.

1031 So we want to make sure that when we are looking at where can we make sure that we have  
1032 the robustness for that technology to work, that we are balancing making sure the system is going to  
1033 be protected, because we don't want a situation where we have catastrophic failure at all for our  
1034 equipment.

1035 Our customers make an investment in this equipment for them, and so we want to make sure  
1036 it is going to work for them, that it holds its value, but want to make sure that they have a positive  
1037 experience from the operator side, and that really is trying to understand what -- making sure their  
1038 equipment works.

1039 Mrs. Miller-Meeks. And the EPA January 2026 guidance clarified that temporary repair  
1040 procedures may be used when necessary to diagnose or repair equipment provided the equipment is  
1041 returned to proper functioning before being returned to service.

1042 Has that clarification improved the ability of farmers and technicians to diagnose and repair  
1043 equipment.

1044 Ms. Gelb. It has. And I would also look at the other two guidances that EPA has put out as  
1045 well. The August guidance from last year, which is now starting to be implemented and available to  
1046 our customers from our manufacturers, is really trying to make sure of what you spoke about, the  
1047 severe derate, making it so that they don't get stuck in the field in the middle of planting season or  
1048 harvesting season, as well as for trucks, too. We don't want them stranded on the side of the road.

1049 It is making sure that they are notified that there is a potential inducement here so they are  
1050 able to finish the job and get back to a safe place with that equipment so it can be serviced and put  
1051 back into operation.

1052 Mrs. Miller-Meeks. And farmers have asked for greater ability to diagnose and repair  
1053 equipment in the field, to your point. EPA's approach gives them more practical repair flexibility

1054 while preserving the same equipment architecture, financing assumptions, and resale value  
1055 expectations that support today's equipment market.

1056 Is that balance equipment owners have been seeking, is that the balance they have been  
1057 seeking, or does more need to be done.

1058 Ms. Gelb. You know, from our standpoint, we want to make sure that they are able to make  
1059 sure that equipment works for them, they are able to address it quickly. And from our standpoint  
1060 we see the EPA guidance being able to provide the flexibility from the manufacturer's side to address  
1061 it but also making sure that it is improving that operator experience.

1062 Mrs. Miller-Meeks. Thank you so much. I yield back.

1063 Mrs. Fedorchak. The gentlelady yields.

1064 The chair now recognizes Ms. Barragan for her 5 minutes of questions.

1065 Ms. Barragan. Thank you, Madam Chairwoman.

1066 I represent the Port of Los Angeles, and I am proud of the standards that we put in to help  
1067 protect our community and help clean up the air there.

1068 My colleagues on the other side want to go after the port. I would welcome them to come  
1069 to the port and see what we are doing.

1070 They want to talk about higher costs. We should look at the policies that they are  
1071 supporting that are resulting in higher costs across the country.

1072 It is true that in the Port of L.A. we have had an effective regulation to reduce ship pollution  
1073 at the port, and that is the plug-in system. And so I am proud of that.

1074 And there are other ways that ships can come into our port even if they haven't put in  
1075 the technology he mentioned. They can also install devices to capture their emissions. In the  
1076 long-term, these ships are actually saving money from all of the fuel they would be burning just idling  
1077 there. So it is something that I support.

1078 Ms. Garcia, in communities across my district, which includes the port, parents can see and

1079 smell freight pollution from nearby rail operations. California has been working to clean up rail  
1080 emissions because no child should have to breathe that dirty air just because they live near a rail  
1081 yard.

1082 How would the LOCOMOTIVES Act undermine those efforts and affect public health in  
1083 communities like mine.

1084 Ms. Garcia. Thank you for the question.

1085 This proposal would give industry a pass at modernizing their technology and the efforts to  
1086 reduce emissions from decades-old, outdated rail technology.

1087 And, in fact, Sierra Club has been pushing for cleaner trains for many, many years. We have  
1088 shined a light on the inexcusable delay for updating rail technology.

1089 And one of the things that is clear to me doing a landscape of where rail technology is around  
1090 the world, this is not an issue of technology. This is an issue of prioritization, and this is a  
1091 prioritization challenge.

1092 If we were to invest in updating rail technology and electrifying rail, that would have huge  
1093 benefits for populations that are living around rail yards, and particularly the rail yards and the  
1094 corridors between the ports and throughout the Los Angeles region.

1095 We can deploy electric rail, and we strongly, strongly endorse moving and advancing and  
1096 modernizing rail. And, in fact, the International Energy Agency endorses electric rail to reduce fossil  
1097 fuel consumption.

1098 Ms. Barragan. Yeah. And in my district we have a Pacific Harbor Line. They have been a  
1099 national leader in deploying zero-emissions locomotive technology at the Ports of Los Angeles and  
1100 Long Beach.

1101 So what does this tell you about potential for cleaner rail operations when companies have  
1102 the right incentives and support.

1103 Ms. Garcia. Yeah, absolutely. There were incentives in the Inflation Reduction Act.

1104 There have been incentives in grants that are part of DERA that have updated and modernized  
1105 locomotive equipment. So the technology is there. We just need to prioritize and push the  
1106 industry to advance.

1107 Ms. Barragan. Great. Thank you.

1108 Ms. Garcia, the discussion draft bill on bus idling would stop State and local governments  
1109 from enforcing bus idling limits for up to 15 minutes. The other side is for State's rights when it is  
1110 convenient for them, but not on this one.

1111 I can understand Mr. Ferguson's point about certain situations where commercial buses need  
1112 to idle for a limited amount of time, but I believe that it is up to State and local governments to strike  
1113 the right balance based on specific situations they deal with.

1114 I know that in California we have actually exemptions in our idling. There are no exemptions  
1115 at all in the bill we are looking at. Even Utah has an idling law and they have exemptions as well.

1116 This Federal one we are looking at has nothing. Does that make any sense to you.

1117 Ms. Garcia. It does not make any sense. And I think there can be an approach to take a  
1118 smarter approach to fixing the issue. We certainly agree that, as Mr. Ferguson said, buses are the  
1119 most sustainable mass transit option, and we certainly want to encourage more people to take  
1120 buses, but this is the wrong approach.

1121 And, in fact, when I look at idling I think about the folks that are waiting at the bus terminals,  
1122 the bus depots. Mr. Ferguson mentioned that in the bus there are protections for the people that  
1123 are waiting on the idling bus but certainly not outside of the bus.

1124 Ms. Barragan. Great. Thank you.

1125 I yield back.

1126 Mrs. Fedorchak. The gentlelady yields.

1127 The chair now recognizes Ms. Lee of Florida for her 5 minutes of questions.

1128 Ms. Lee. Thank you, Madam Chair.

1129           We can all agree that clean air and clean water are nonnegotiable. But regulations are  
1130 intended to be a means to an end, not an end in themselves, and every regulation should be  
1131 grounded in reality and tied to a clear environmental objective.

1132           We should also review them regularly to ensure that they remain current and relevant to the  
1133 contemporary landscape.

1134           And so I thank all of you for being here today to help us in that endeavor.

1135           Mr. Conde, I would like to start with you. I would like to go back to the discussion of  
1136 California's waiver authority and the kind of impact that that is having on the national market, would  
1137 manufacturers essentially have to build or manufacture to California's specs, and the effect that that  
1138 has on regulatory costs in other States.

1139           So I am from Florida and we are the third-largest auto market in the country with 23 million  
1140 residents, millions of vehicles purchased every year.

1141           Can you help us understand what repealing that waiver authority would mean economically  
1142 for States like Florida.

1143           Mr. Conde. Yeah. So there is no question that since California began its regulatory push to  
1144 electrify everything in about 2012, car prices have exploded. They have increased by 50 percent.  
1145 The median car price has increased by 50 percent since 2012 while incomes have only increased by  
1146 half as much.

1147           So cars are becoming increasingly less unaffordable as automakers have to invest in sort of  
1148 failed electrification policies. I think if California was out of the picture, consumers would be able to  
1149 buy the cars they want and they would become more affordable.

1150           We have already seen that. In fact, prices have started to fall because of President Trump's  
1151 deregulation. So I think cars would become more affordable to average middle-class Floridians.

1152           Ms. Lee. Thank you.

1153           And, Mr. Ferguson, I would like to follow up on your testimony about motorcoaches. And in

1154 particular thereto, this is an important industry in my State. According to the American Bus  
1155 Association Foundation data, Florida's motorcoach industry generates 7.5 billion in economic output  
1156 and supports 43,000 jobs.

1157 Now, of course, we don't have a regulatory system like New York, and it is doubtful that we  
1158 ever would, particularly in a State like mine where not maintaining a climate-controlled environment  
1159 can, much of the year, be very dangerous.

1160 But I am interested in you describing for us what this kind of limitation on idling, what this  
1161 kind of regulatory burden has, not just on the motorcoach operators, but also on the affordability of  
1162 motorcoach service for passengers.

1163 Mr. Ferguson. Yeah, it is important to highlight that motorcoaches are regulated by the  
1164 Federal Government. So the crux of the problem is the Federal regulations require operators to do  
1165 certain things.

1166 It doesn't matter if they are in New York or Florida. There are certain baseline things they  
1167 have to do to promote safety, such as a pre-trip inspection that takes more than zero minutes, takes  
1168 more than 1 minute, takes more than 3 minutes. It takes about 15 minutes. And in certain  
1169 localities we are unable to complete those pre-trip inspections without violating a local ordinance.

1170 And so for operators, many of whom are based in New York and maybe come to Florida or  
1171 come from Florida and go up to New York, they are crossing State lines, they are going into different  
1172 jurisdictions, the ability to comply with Federal requirements and local requirements is a conflict.

1173 And so how do we resolve that? That is what the bipartisan BUSES Act would do.

1174 And, ultimately, we are focused on passengers, the drivers, and in the grand scheme of  
1175 things, taking cars off the road. Because when people are traveling by bus, there are up to 35 less  
1176 cars and the innovation in these engines is extremely advanced. And so that is why buses, as was  
1177 just noted by the Sierra Club, are the most sustainable way of traveling in mass transportation.

1178 Ms. Lee. I think that is important for us -- that is an important point for us to highlight about

1179 your testimony, is that while certainly it cheers -- it illuminates the challenge of an overly  
1180 burdensome regulatory landscape both for industry and for passengers, you also have highlighted  
1181 that we are undermining an industry that supports good clean transportation methods at the same  
1182 time. Isn't that right.

1183 Mr. Ferguson. And the reality is, operators who are having to comply with the New York  
1184 example, they are based in New York, but they are also based in Florida. And when dollars are  
1185 going to fines and to pay the citizen bounty program, that is fewer investments in their own  
1186 workforce.

1187 Academy Bus is a greater example where in one day in New York they had \$120,000 in fines,  
1188 and they are a great operator from New York all the way down to Florida.

1189 Ms. Lee. Thank you, Mr. Ferguson. We welcome them in Florida.

1190 Madam Chairwoman, I yield back.

1191 Mrs. Fedorchak. The gentlelady yields.

1192 The chair now recognizes Mr. Soto from Florida for his 5 minutes of questions.

1193 Mr. Soto. Thank you so much.

1194 Modernizing the Clean Air Act to me means achieving meaningful progress in protecting clean  
1195 air. According to EPA, transportation now, 28 percent, the most of any sector for greenhouse  
1196 emissions, but I also think it has the great potential to continue to bend the curve.

1197 We see in Florida we have had extreme hurricanes and heat as a result of a rising amount of  
1198 greenhouse gases. Gas is nearly \$4 right now in central Florida, which is a dollar more than it was a  
1199 year ago, and diesel rose to 5.80. So, Mr. Ferguson, sorry for what you are dealing with there with  
1200 the diesel prices there, among others.

1201 Gas-powered vehicles are going to be available for the foreseeable future and so will diesel.  
1202 Nonetheless, there are many reasons for us to encourage more hybrid in electric vehicles,  
1203 hydrogen-powered trucks and more, so that we can continue to clean our air and give Americans

1204 more opportunities to be able to buy electric or hybrid vehicles and manufacture these vehicles in  
1205 the Nation.

1206 In the Sunshine State 20 percent of the new vehicles purchased were hybrids or EVs next  
1207 year. It is something that shocks a lot of people. But we can do better on that over time.

1208 Ms. Garcia, we saw the EV incentives lapse. How important is to get those EV tax credits  
1209 back? And what do you think about adding hybrids as part of it.

1210 Ms. Garcia. So I think it is extremely important to get those incentives back and there are  
1211 incentives for EVs and plug-in hybrids.

1212 And this actually brings up a previous point that I wanted to make. In terms of the  
1213 regulations in California, as well as the previous Federal regulations, those were not a mandate.  
1214 They actually did include plug-in hybrids, and they were commonsense approaches to transitioning  
1215 from all-fossil-fuel vehicles over to cleaner vehicles.

1216 Mr. Soto. Thank you, Ms. Garcia. My time is limited. I appreciate it. And I think that is  
1217 the idea, that we want to incentivize these things while giving Americans options.

1218 A few years ago I went to Korea and drove a hydrogen-powered vehicle and one of my  
1219 colleagues drove a tractor-trailer that was hydrogen powered.

1220 We see Hyundai has a 250-mile range vehicle, 20-minute recharge. Toyota announced with  
1221 Hyroad last year to deploy hydrogen fuel cell trucks. Volvo is in road testing. And Daimler is  
1222 working with Cummins and Freightliner in Indiana and Oregon on new hydrogen-powered trucks.

1223 Ms. Gelb, how far away do you think are we as we get to the next 20 to 30 years in seeing  
1224 more hydrogen-powered trucks, those engines, on the road.

1225 Ms. Gelb. Thank you for the question.

1226 The big issue is just in any technology transition for our industry, no matter what it is,  
1227 whether it is a new clean diesel engine, battery, electric, hydrogen fuel cell, hydrogen ice, from the  
1228 standpoint it is making sure that that technology is going to meet the operational needs for our

1229 customers, but also when we start talking about alternative technologies -- battery, electric,  
1230 hydrogen -- making sure the infrastructure is in place.

1231 Mr. Soto. Sure. And hydrogen really probably has much more promise for the  
1232 tractor-trailers it looks like at this point.

1233 Ms. Gelb. It offers the opportunity to be able to go a longer distance. We have  
1234 manufacturers, members that are looking at it, that are doing the research to see if it is something  
1235 that they could bring to the market that the market and our customers would like.

1236 Mr. Soto. Sure. This is progress over time. I appreciate it.

1237 And I yield back.

1238 Mrs. Fedorchak. The gentleman yields.

1239 The chair now recognizes herself for 5 minutes of questions.

1240 Thank you all for being here today.

1241 And thank you, Chair Guthrie, for including one of my bills in the hearing, the bill which  
1242 advances efforts to ease pressures on farmers, manufacturers, and truckers across the country.

1243 I agree with others who have stated that the Clean Air Act, the Clean Water Act, those are  
1244 nonnegotiable. Those are bipartisan issues. And I am very proud to say that my State of North  
1245 Dakota is one of only a handful of States that have never violated the National Ambient Air Quality  
1246 Standards -- never -- and that is despite being the third-largest oil and gas producer in this country, a  
1247 leading producer of electric power, an exporter, and an ag producer that leads in 13 different ag  
1248 products in this country.

1249 So we are very much a deliverer of products, and we still meet the Ambient Air Quality  
1250 Standards. My constituents insist on it.

1251 But in my State, where agriculture drives our economy and long haul trucking connects our  
1252 communities, regulatory burdens on diesel engines have real consequences and costs for my  
1253 constituents.

1254 Today's hearing includes bills for North Dakota families by providing more flexibility for  
1255 emissions regulations. And I think that this is long overdue and very appropriate that we are  
1256 looking at these things.

1257 These are not fictitious mandates. These have very real consequences. I just recently met  
1258 with a whole group of North Dakota farmers who sat in a roundtable discussion with me, and each  
1259 one of them could talk about examples of being stuck in the field with a tractor that was turned off,  
1260 derated to that point. They really couldn't move because of the DEF emissions issues and the  
1261 sensor issues.

1262 So, Ms. Gelb, can we talk just a little bit about what some of these regulations are doing?  
1263 What are some of the issues encountered from the use of DEF? And how have Administrator Zeldin  
1264 and EPA taken a pragmatic approach to fixing these.

1265 Ms. Gelb. Sure. Thank you very much for the question.

1266 I would say before the EPA guidance had been published last year, our customers, your  
1267 farmers in your district would run into issues for that equipment if they had received an inducement,  
1268 a notification that there was an issue with a sensor, low DEF quality, not enough DEF, in the sense of  
1269 they could run into a place, exactly what you said, the equipment would stop running for them. It  
1270 would shut down. And it would happen pretty quickly. It would be a severe derate of what we  
1271 call for the industry.

1272 Post the August guidance --

1273 Mrs. Fedorchak. Go ahead. Continue.

1274 Ms. Gelb. I was going to say, with EPA's August guidance they have been able to take the  
1275 approach -- and we were very supportive of this as the manufacturers -- where it gives a slower ramp  
1276 down into that ability for the equipment to shut down.

1277 It gives more notices. They have longer periods of time now to where it doesn't happen in a  
1278 short period of time. They aren't going from, let's say, from a place of where they were in the

1279 middle of planting their crop and then suddenly it stops. They are able to finish that job and they  
1280 are able to get that equipment back home to be able to be serviced.

1281 Mrs. Fedorchak. Thank you.

1282 What are the practical risks of leaving these guidance documents uncoded? And what  
1283 would statutory clarity mean for diesel engine users and manufacturers moving forward.

1284 Ms. Gelb. Absolutely.

1285 So Mr. Ferguson has mentioned this a couple times, but it is the most important thing for our  
1286 customers and for manufacturers, is regulatory certainty.

1287 So being able to design to something that we know that standard is going to be in place, but  
1288 that also gives certainty to our customers, to your constituents, making sure that they know what is  
1289 going to be the requirement for tomorrow is the same requirement for today.

1290 Mrs. Fedorchak. Thank you, Ms. Gelb.

1291 I yield the remainder of my time.

1292 And the chair now calls on my friend, Mr. Carter from Georgia, for his 5 minutes of questions.

1293 Mr. Carter of Louisiana. Louisiana this time.

1294 Mrs. Fedorchak. Louisiana. Sorry, Mr. Carter.

1295 Mr. Carter of Louisiana. That is okay. Thank you, ma'am. Thank you, Madam Chair.

1296 And thank you to our witnesses for joining us today.

1297 I represent Louisiana, where some of our communities are breathing some of the Nation's  
1298 most polluted air. Parts of our State already bear a disproportionate burden of industrial emissions  
1299 and vehicle pollution after that toxic load every day. Diesel trucks, aging cars, and inefficient  
1300 engines pump nitrogen oxides and fine particulate matters into the air that our children breathe.

1301 This isn't just a Louisiana problem. Right now, nearly half of all children in America live in  
1302 areas with unhealthy levels of air pollution.

1303 These kids face higher rates of asthma, reduced lung development, and long-term

1304 cardiovascular harm, conditions that follow them for their entire lives.

1305 Strong vehicle pollution standards are one of the most effective tools we have to change that.

1306 They cut the tailpipe emissions driving those health crises. Vehicle emission standards have saved

1307 families money at a time when the President's reckless war in Iran has sent gas prices skyrocketing.

1308 Since the Clear Air Act vehicle efficiency requirements took effect, Americans have saved

1309 hundreds of billions of dollars in fuel costs as cars and trucks have become dramatically more fuel

1310 efficient, meaning every trip to the gas station costs less and every tank of gas goes further than

1311 would have before the standards took effect.

1312 Cleaner vehicles mean healthier kids and lower fuel costs. Weakening those standards

1313 doesn't just hurt the environment, it hits our families in their lungs and in their wallets.

1314 Ms. Garcia, one of our witnesses on today's panel claimed that the Biden era clean vehicle

1315 standards would have delivered negligible improvements in air quality.

1316 What does that even mean, negligible? Does that mean just a little bit better? Isn't a little

1317 bit better, better than a little bit worse.

1318 So should we have a race to the bottom or should we try to always improve air quality even if

1319 it is incremental? What would you like to say about that statement.

1320 Ms. Garcia. Thank you, Mr. Congressman.

1321 So I think one of the things that we are seeing with the EPA and these rollbacks, these severe

1322 rollbacks, is that when they actually do the math and they are looking to see how this would affect

1323 the economy, how this would affect business, they aren't actually taking into account what this

1324 would mean for health. And, in fact, President Trump does not even care about Americans in the

1325 fact that the EPA has removed health benefits from even being a part of the equation.

1326 So when EPA does its analysis, it doesn't look at how many lives would be saved, how many

1327 fewer hospital visits would occur after this rollback is implemented.

1328 So as you mentioned, children are the most vulnerable of our population. They are exposed

1329 to toxic vehicle pollution every day.

1330 For example, when they go to school, many of the buses are diesel, and when they are  
1331 walking and playing and exercising outside they are exposed to these poisonous fumes.

1332 So I wholeheartedly agree, and I think the EPA should be taking into account health benefits  
1333 when they are analyzing these rollbacks for the sake of our children.

1334 Mr. Carter of Louisiana. My district is home to some of the largest ports in America. I am  
1335 very proud of that. While we are thankful for these jobs the facilities provide, the trains, trucks, and  
1336 industrial equipment needed to move the cargo every day also have air quality impacts. Diesel  
1337 engines can also operate for 30 hours or more, leaving millions of older, dirtier engines in use.

1338 Can you talk about how programs like the Diesel Emissions Reduction Act provide both health  
1339 and economic benefits for communities like mine? Because we shouldn't have this as an either/or  
1340 proposition. We can have both. We can have economic viability while still promoting healthy  
1341 communities.

1342 Ms. Garcia. Absolutely.

1343 In part of the preparation for this hearing I did evaluate many years. There is a legacy of  
1344 DERA grants that have helped communities switch from diesel transport refrigeration units to  
1345 all-electric units, to switching from switch locomotives to Tier 4 locomotives, and replacing dirty  
1346 diesel school buses to electric buses.

1347 And so across the country we are seeing the benefits. And what that means for  
1348 communities, it is less fuel costs and it is more modernized transportation options.

1349 So all in all, DERA is a great solution for moving this forward.

1350 Mr. Carter of Louisiana. Thank you very much.

1351 Madam Chair, I yield.

1352 Mrs. Fedorchak. The gentleman yields.

1353 The chair now recognizes Mr. Evans of Colorado for 5 minutes of questions.

1354 Mr. Evans. Thank you to the chair, ranking member. Thank you, of course, to our  
1355 witnesses for coming today to talk about this.

1356 Let's talk about unintended consequences. I am going to read from a CBS News story here.  
1357 Again, CBS, not FOX News, CBS, from 2 months ago, talking about gas prices in California.

1358 The story says -- it is talking about why are gas prices higher. The headline is, "California gas  
1359 prices are the Nation's highest but there is no proof of price gouging. Here is why."

1360 And then when you read the story it says, "State officials say they found no evidence of illegal  
1361 price gouging. Instead, two refineries shut down, taking nearly 20 percent of the State's refining  
1362 capacity. California is now outsourcing to Asian refineries to make more of California's special gas  
1363 blend." And I want to come back to that point.

1364 "Environmental standards aren't as strict in Asia, and the refiners have to ship that gas back  
1365 to California, halfway around the world," which the story says here. "In addition to increased  
1366 pollution, transporting the gas across the Pacific can take weeks," which results in higher costs and  
1367 greater volatility.

1368 And so I wanted to read that to kind of level set about what we are talking about here, which  
1369 one of the specific pieces of legislation, the LOCOMOTIVES Act, talks about yet another one of these  
1370 loopholes by which States like California -- or in my case Colorado -- try to dictate national standards  
1371 around the environment.

1372 And do those California standards, the special gas blend here that we talked about designed  
1373 to reduce emissions, do they actually reduce emissions, or do they have the unintended consequence  
1374 of actually increasing emissions while also increasing costs.

1375 And so my first question, Ms. Gelb, is going to be to you.

1376 Colorado, my home State, sixth most heavily regulated State in the Nation coming in closely  
1377 behind California, I have seen the results that this heavy regulatory burden has on the economy of  
1378 Colorado and people's ability to make a living. We have seen, we just read what these California

1379 regulations, the impact it has on Californians.

1380 So the LOCOMOTIVES Act that we are talking about closes yet another loophole by which blue  
1381 States like California and Colorado can try to force rail carriers to comply with California standards.

1382 And so, Ms. Gelb, the question to you is, does that actually -- would these California standards  
1383 projected across the Nation, would that actually protect the environment, or does that have the  
1384 potential to result in what we just talked about, more unintended consequences that actually  
1385 increase pollution by driving transportation, manufacturing in the economy out of the United States  
1386 to, as it says here, places like Asia where the environmental standards are lower, you get more  
1387 emissions, more pollution, and we still lose the economy.

1388 So I know that is a long question, but does closing this loophole help us actually protect the  
1389 environment by preventing these negative unintended consequences.

1390 Ms. Gelb. Thank you for the question.

1391 I could tell in the space for our industry we actually are a very small industry in regards to how  
1392 many engines and equipment that we sell, trucks being one of them, agriculture being another one  
1393 there. But from our standpoint of when we always work on our regulations we want a national  
1394 standard.

1395 Trucks are a prime example of that. Those trucks cross State lines multiple times a day.  
1396 Your State has one of the toughest inclines for a truck, on highway trucks, to be able to move our  
1397 Nation's freight.

1398 So the ability to have a standard to where it is one national standard or something that we  
1399 always strive to make sure for our industry we have the certainty, but also it is something that works  
1400 best for our customers.

1401 Mr. Evans. Thank you for that.

1402 So it sounds like having that one national standard and not allowing States like California and  
1403 Colorado to make a patchwork is going to be able to save consumers money, be able to make sure

1404 that the economy isn't strangled under regulatory burden, and, again, as we read in the story,  
1405 potentially has the ability of actually decreasing emissions by keeping that stuff in the United States  
1406 where we have better environmental standards.

1407 Ms. Gelb. We always like harmonization for our regulations whether in California or EPA so  
1408 we have one standard for industry.

1409 Mr. Evans. Thanks for that.

1410 I got 37 seconds here. Mr. Conde, this last one will go to you.

1411 Do things like restricting engine idling for school bus, does that actually move the needle on  
1412 air quality, or should we look at other things like, maybe, preventing wildfires and reforming the  
1413 exceptional events under the Clean Air Act to actually follow the science and find ways to actually  
1414 reduce air pollution? Ten seconds.

1415 Mr. Conde. I think preventing wildfires is huge. Just to give you a data point there. Light  
1416 duty vehicles only account for 1 percent of PM emissions, while wildfires account for a much bigger  
1417 portion of PM emissions. So I think it is very important.

1418 Mr. Evans. Thank you for that.

1419 I am out of time. I yield back.

1420 Mrs. Fedorchak. The gentleman yields.

1421 The chair now recognizes Mr. Landsman from Ohio for 5 minutes of questions.

1422 Mr. Landsman. Thank you, Madam Chair. I will be quick because we have got to go vote.

1423 But my wife and I have two kids. They are 14, 16. They use the public transit system now.  
1424 But, obviously, when they were younger -- I guess not obviously -- but they used a private company  
1425 that worked with the school district. So they have been on both.

1426 The idling question is one that I think about in the context of my kids and everyone else's kids.  
1427 We want to make sure that we are being smart about these policies. And so I appreciate the  
1428 bipartisan hearing. Hopefully, we get to a bipartisan place.

1429           These buses are for the most part diesel engines and you have got kids sitting on the buses,  
1430 including mine, and the time in which the bus is idling they are breathing in the air.

1431           And so the idling rules -- Mr. Ferguson, you represent these bus companies. You would  
1432 agree that the idling rules are good, generally speaking.

1433           Mr. Ferguson. Operators do not want their drivers idling endlessly because that is also  
1434 money going out the door as well.

1435           Mr. Landsman. Right. It is more fuel; also bad in terms of the asthma. It just costs riders  
1436 more and it costs families more. A kid with asthma, it is very expensive. It is also heartbreaking.  
1437 And then the school districts, they pay more.

1438           The question is, like, are these idling laws extreme? Are they putting folks out of business?  
1439 This isn't a leading question. I swear.

1440           Do you have companies in some of these States that you are frustrated with where bus  
1441 companies are going out of business where it is becoming too expensive.

1442           Mr. Ferguson. It is becoming an operational challenge for the driver because the question  
1443 becomes: Do I pay attention to the Federal regulation that requires this, or do I follow the State  
1444 ordinance which requires that.

1445           Mr. Landsman. It is not that complicated, because they just do the State, right? I mean,  
1446 whatever requires them to idle less, that is what they are going do, no.

1447           Mr. Ferguson. In the case of the Federal regulation, their operating status, their ability to  
1448 operate is granted by the Feds. And if they are doing things that harm their Federal compliance,  
1449 that could jeopardize their long-term future as an operator. So it is clarity is what we are looking  
1450 for. And unlimited idling, as I said in my testimony, is not what we are here to --

1451           Mr. Landsman. Very bad. You don't want to do that. And it does seem to me that the  
1452 choice would be, I am going to idle less because, one, it is better for my own health. It is better for  
1453 the company. It is better for the kids. I suspect that is where most of them are. But there are

1454 no companies going out of business because of this.

1455 Mr. Ferguson. Well, what is happening is fewer trips -- in the case of New York, fewer  
1456 companies going into New York, and the cost of compliance is going up.

1457 And so I think taken against the basket of higher diesel cost, higher insurance costs, all of  
1458 those collection of hits, that could absolutely put companies out of business.

1459 Mr. Landsman. But they haven't yet. No one has gone out of business yet. I hear what  
1460 you are saying. But this isn't a question of whether or not it is really undermining these businesses.  
1461 I think there is a question of how do we want to manage this so that we are protecting these kids and  
1462 the drivers.

1463 Ms. Garcia, as it relates to the idling rules and kids, I mean the asthma piece is a big deal. I  
1464 mean, how expensive -- if we were to pull back and just say we are going to have this one standard  
1465 and we are not going to have States be able to decide because each State is a little different, the  
1466 asthma rates go up or down.

1467 Ms. Garcia. Asthma rates would go up.

1468 Mr. Landsman. Much more expensive.

1469 Ms. Garcia. Yeah. Well, are you talking about the health costs of asthma.

1470 Mr. Landsman. Yes.

1471 Ms. Garcia. Yes. Absolutely. The health costs would go up.

1472 Mr. Landsman. I think the challenge for me is -- and I think Mr. Peters said this -- I think  
1473 there is an opportunity to figure out a path forward. It is going to require Democrats and  
1474 Republicans sitting in a room and having these conversations, which does not happen that often.  
1475 And it is folks on this committee that have to sit in a room and say, okay, what is going to make the  
1476 most sense? I hope that is the direction which we go.

1477 That said, I am always going to think about my kids. As anyone would, we are going to think  
1478 about our kids first. That is going to be the biggest priority.

1479           Thanks.    I yield back.

1480           Mrs. Fedorchak.   Thank you.

1481           All time is expired on the floor for votes, so we are going to have to draw this hearing to  
1482 conclusion.

1483           I would like to thank our witnesses for being here today.   Members may have additional  
1484 written questions for you.

1485           I will remind members they have 10 business days to submit additional questions for the  
1486 record, and I ask that the witnesses do their best to submit responses within 10 days upon receipt of  
1487 the questions.

1488           I ask unanimous consent to insert in the record the documents included on the staff hearing  
1489 documents list.

1490           Without objection, that will be the order.

1491           [The information follows:]

1492

1493           \*\*\*\*\* COMMITTEE INSERT \*\*\*\*\*

1494

1495           Mrs. Fedorchak.   Without objection, the subcommittee is adjourned.   Thank you all.

1496           [Whereupon, at 4:38 p.m., the subcommittee was adjourned.]

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1498