

Opening Statement of the Honorable Fred Upton
Subcommittee on Energy and Power
Hearing on H.R. 4775, the “Ozone Standards Implementation Act of 2016”
April 14, 2016

(As Prepared for Delivery)

This committee takes seriously its oversight responsibilities under the 1970 Clean Air Act. It is important for us to look back and acknowledge what this law has accomplished – a 30 percent reduction in ozone levels since 1980. But it is equally important to recognize what is no longer working and needs to be fixed for the 21st century, and the agency’s current ozone program with its two overlapping regulations is a prime example. Fortunately, there is a bipartisan solution that works to simultaneously protect jobs, economic growth, and public health - H.R. 4775, the “Ozone Standards Implementation Act of 2016.” The legislation cuts red tape and puts EPA’s ozone program back on track towards achieving cost effective reductions for ground-level ozone.

EPA itself delayed the implementation of its 2008 ozone standard and last year the agency finally provided states with necessary implementing regulations. But instead of focusing on working with states to achieve the 2008 standard, the agency went ahead and finalized a new standard and is now requiring states to simultaneously comply with both.

Even EPA admits that the second rule would not significantly contribute to ozone reductions that are already occurring under existing regulations, but the rule instead would increase permitting and other compliance costs, as well as present administrative challenges for states and local communities. Make no mistake, counties designated as in non-attainment with EPA’s ozone standard face serious limits on new economic activity. It’s essentially a kiss of death for economic growth for communities in Michigan and every state. Factory expansions to new construction may have to be placed on hold until the necessary pre-construction permits are obtained. Backyard barbeques could even be limited.

And even after compliance is achieved, EPA would still impose constraints—all for reductions that EPA claims will largely occur regardless of new compliance regimes. Regulations that are unnecessarily costly and restrictive, and that result in overlapping requirements and deadlines, are the last thing job-creators in Michigan and across the country need. Businesses will go out of their way to avoid setting up shop in any area that’s close to being in noncompliance.

H.R. 4775 introduces a dose of needed commonsense to EPA’s ozone program. It extends the implementation schedule for the new ozone standard to allow the 2008 standard to be implemented first. It would also harmonize the new ozone standard with other existing regulations that EPA projects will reduce ozone levels across the nation. Most importantly, the bill provides states with a reasonable path forward for implementing new ozone standards while also updating the Clean Air Act to make this law workable for states and communities in the years ahead.

A Clean Air Act that continues to drive down pollution without causing undue damage to jobs and the economy is an environmental legacy we should be striving for and one that the bipartisan Ozone Standards Implementation Act will help achieve.

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