



COMMITTEE ON
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DEMOCRATS
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Pallone Opening Remarks at Clean Air Act Legislative Hearing

Bills Undermine the Clean Air Act's Public Health Protections

Washington, D.C. – *Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) delivered the following opening remarks today at a Subcommittee on Environment legislative hearing on four bills that would undermine the Clean Air Act:*

Mr. Chairman, the four bills before us this morning are more about transferring burdens than relieving them. My Republican colleagues repeatedly claim they support clean air, and yet, they continually put forward bills designed to delay, weaken, or repeal regulations that are issued to protect public health by cleaning up the air.

This so-called “relief” from regulation comes at the expense of the people’s health. And costs are not reduced; they are just transferred from favored businesses to the general public who will pay for more doctor visits and lost work or school days.

Exempting businesses from clean air rules leads to more air pollution. It is that simple. We all want small businesses to thrive and the history of the Clean Air Act demonstrates clearly that we can grow the economy while cleaning up the air and improving public health.

We considered two of these bills in the last Congress – H.R. 1917, the BRICK Act and H.R. 1119, the SENSE Act. I opposed them then, and I oppose them now.

While I understand there are special circumstances related to the hazardous air pollution rule for brick and clay ceramic manufacturing, the BRICK Act is the wrong answer. It would set a terrible precedent, encouraging endless legal challenges designed to stall compliance with regulations. This case is proceeding in the courts and the court has the ability to stay the rule. This issue should be resolved there, not here

The SENSE Act would revise the Mercury and Air Toxics Standards and Cross-State Air Pollution rules to allow power plants that burn coal refuse to emit higher levels of sulfur dioxide and hydrogen chloride. It is unnecessary and would allow plants to produce more pollution.

As a Representative from a down-wind state, I am particularly concerned about this bill. The Cross-State rule uses a phased-in approach to achieve emissions reductions through allowance trading. It would shift a greater percentage of these emissions allowances to coal refuse plants.

EPA has a plan for how those allowances should be allocated to individual plants, but states also have the ability to submit their own plans for achieving the required emissions reductions. So states already have the power to give extra allowances to coal refuse plants as this bill would mandate.

H.R. 453, the Relief from New Source Performance Standards Act of 2017, extends the deadline for implementing new standards for residential wood-fueled stoves, hydronic heaters, and forced-air furnaces. EPA finalized the rule for these appliances in 2015, and the new standards apply in 2020. These standards have not been updated since 1988 – nearly 30 years ago. There is no justification for extending the deadline. Wood smoke from inefficient heating devices creates harmful particulate pollution, as well as toxic air pollutants like benzene and formaldehyde.

Delaying this rule will allow non-compliant stoves and heaters to be sold for three more years. And, since these appliances last for decades, it will take much more time to reduce pollution from these devices.

A number of states have taken steps to encourage the transition to cleaner burning devices. Several states petitioned EPA to initiate this rule because of severe local problems with wood smoke pollution. The companies that have invested to improve their products to meet the deadline – and there are many – should be rewarded for their efforts. Instead, this bill rewards those that have delayed, while punishing the public with more pollution.

Finally, we have H.R. 350, the “Recognizing the Protection of Motorsports Act of 2017.” Automobile racing’s history is as long as the car itself. And, amateur racing continues to be a popular past time. No one wants to end this activity. There is a big difference between racing on a track – whether as a professional or an amateur – and daily driving on public roadways. The devices marketed and installed on a vehicle to improve its performance as a racing car are defeat devices – they undermine emission control systems and result in more pollution. Daily driving of such a vehicle pumps significantly more pollutants into the air. EPA just fined Volkswagen for using defeat devices.

If someone installs these devices on a vehicle, that vehicle should no longer be driven on public roads. It is now a race car. And, it should only be raced on a track. H.R. 350 creates a loophole in the Clean Air Act that is much too broad to ensure that these devices will only end up in race cars. I oppose it in its current form. This may be something we can work on going forward, but I cannot support a bill that facilitates emissions cheating.

Again, I do not accept that we have to compromise the public's health to have a healthy economy. These bills make that trade. They undermine the public health protections within the Clean Air Act. I think we can and should do much better.

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