

## Walden Remarks at a Environment and Climate Change Subcommittee Markup on CFATS and HFCs

WASHINGTON, DC – Energy and Commerce Committee Republican Leader Greg Walden (R-OR) remarks at a Environment and Climate Change Subcommittee [markup](#) of two bills on Chemical Facility Anti-Terrorism Standards (CFATS) Program and Hydrofluorocarbons (HFCs).

### As Prepared for Delivery

Good Morning, Mr. Chairman. Thank you for yielding me this time to speak before we dive into the two bills scheduled for markup today: H.R. 6160 and H.R. 5544.

On H.R. 6160, I appreciate that you have focused the subcommittee's attention on legislation to maintain the authority of the Chemical Facility Anti-Terrorism Standards program – or CFATS.

This program was created after the terrorist attacks of September 11<sup>th</sup>. Having assessed federal authority to address theft, diversion, and terrorism at chemical facilities, Congress decided accident prevention and process safety laws were insufficient and inappropriate to tackle these malicious, and intentional acts.

CFATS is not your garden variety regulatory program – it was designed to foster collaboration and compliance to make facilities secure. Moreover, a typical regulatory program is not appropriate because each chemical facility faces different security challenges.

CFATS program authority is set to expire on April 17, so I am glad we are moving forward today and hope our bill can quickly get House approval. We should not let this anti-terrorism program expire - letting it do so will encourage countless bad alternatives and much less security.

The second bill in our markup doubleheader is H.R. 5544.

While I know a “legislative” hearing on this bill was held about eight weeks ago, I wonder why the subcommittee and the bill's supporters are rushing to a pre-packaged legislative solution. As a committee, we have not developed a full understanding of the problem we are trying to solve nor whether this approach is truly the most appropriate way to work in a dynamic and complex marketplace or in the best interest of the American consumer.

To do this competently requires more upfront work in terms of oversight and background hearings, so the committee can have a better record than it currently has to rely upon. This is particularly true as we consider policy options that have long term implications for our environmental policy, market competition, and household economics.

To put a finer point here, in the entire Congress, there has only been one hearing on this bill. And we only heard from a limited number of voices at that hearing.

The issue of hydrofluorocarbon production and usage is broader than just air conditioning equipment and refrigeration chemicals. Yet, that is primarily the interest that has been heard from and the focus of questions on this bill. There are more interests we should hear from and more questions to explore – some of them have come to light in the last few days.

For instance, we have learned the aircraft industry has fire suppression problems that this bill creates, the home appliance manufacturers have product transition problems, people who use repellants to save themselves from bear attacks in the woods or sexual predators on the streets have product availability problems with this bill, as do asthmatics and people using metered dose inhalers to treat pulmonary conditions. There are real-world access concerns here, as well as cost impact concerns.

And those concerns augment the ones I already have about provisions in H.R. 5544 that deprioritize consumer needs and let those who are ideologically or financially driven – and have the resources to heavily lobby legislatures – clear the field for their benefit with Congress's blessing.

We can do better than that.

I do not support this bill in its current form.

- H.R. 5544 is bad for end-use consumers,
- it fails to create a stable national marketplace,
- it prevents exemptions for “essential uses” until at least 2034,
- it lacks regulatory transparency,
- its economics will make the southeast less resilient to intense heat and
- it creates policy precedents that are rife with opportunities for mischief.

I know we are marking up this bill today, but I really hope we can take a step back and do some serious, more than cursory, bipartisan work to look into the problems I see in H.R. 5544 – such as pre-emption, the accelerated phase down, the essential uses, market manipulation, and technology transition provisions – and resolve to meaningfully address them.

I yield back the balance of my time.