

Statement of U.S. Rep. Ed Whitfield
Chairman, Subcommittee on Energy and Power
“EPA’s Greenhouse Gas and Clean Air Act Regulations: A Focus on Texas’
Economy, Energy Prices and Jobs.”
March 24, 2011
***** As Prepared for Delivery *****

I am pleased to be in Texas to hear testimony regarding the Environmental Protection Agency’s implementation of its greenhouse gas and Clean Air Act regulations in the State of Texas, and how EPA’s actions may be impacting the State’s economy, energy sector and jobs, while undermining good environmental policy.

Balancing the relationship between the state and federal government has always been a unique balancing act since the foundation of our nation. Allowing states to function properly, and to regulate effectively while meeting the needs of each individual state, is something I believe the federal government should encourage.

Obviously, there are times when the federal government must intervene for the good of the nation as a whole, but I believe that EPA’s actions in the State of Texas reflect an overreach of federal authority.

As many of you know all too well, the EPA in Washington recently took over aspects of the clean air permitting process in Texas. This heavy handed regulation has caused more uncertainty in the area and placed in limbo a system that was working to reduce pollution.

In order to see the positive impacts, let’s look at the statistics:

- From 2000-2008 Texas lowered nitrous oxide levels by 46 percent
- Ozone levels reduced by 22 percent
- All major urban areas in Texas currently meet the federal eight-hour ozone standard of 85 parts per billion, except Dallas and they have made remarkable improvements.

In contrast, the national reductions are:

- Nitrous oxide fell only 27 percent
- Ozone only fell by 8 percent.

The difference between Texas’ impressive reductions and the national average reflects that the State has been a national leader in reducing emissions and known pollutants under its air quality programs.

One of the matters at issue today is Texas’ flexible permitting program, which encourages older grandfathered facilities to adopt emission controls, which would not be required normally. It is my understanding that this flexibility allows for facilities to meet emission caps, instead of each individual source of emissions meeting caps.

Interestingly enough the flexible permitting program was proposed in 1994 by the state of Texas, but EPA did not respond with an approval or disapproval until June 30, 2010- nearly 16 years later. It is my understanding that EPA was required to approve or disapprove the proposal within 18 months after the submission.

However, the Obama Administration's EPA has arbitrarily decided to disapprove and take over the permitting process 16 years later. Their actions will, as I understand it, invalidate over 100 permits across Texas issued since the early 90s, reversing good environmental and economic policies.

Another matter at issue is EPA's effort to use the Clean Air Act as a vehicle to regulate greenhouse gases. The Clean Air Act was never intended to be a vehicle for such regulation, which is why Chairman Upton and I moved H.R. 910, the Energy Tax Prevention Act, through the House Energy and Commerce Committee. This bill would stop EPA from regulating greenhouse gases for the purposes of addressing climate change.

If there are other areas where EPA is acting to exercise its authority under the Clean Air Act for purposes for which it was never designed, I hope that we can figure out exactly how to change the Clean Air Act to ensure that Congressional intent is as clear as possible.

I look forward to hearing from our witnesses and I now yield to my colleague Rep. Green from Texas for his opening statement.

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