

**Statement of Chairman Fred Upton**  
**Subcommittee on Energy and Power**  
**Hearing on EPA Enforcement Priorities and Practices**  
**June 6, 2012**

*(As Prepared for Delivery)*

Let's be honest – under the Obama EPA, the extreme has become routine. That's why, when video surfaced of Dr. Al Armendariz talking about his “crucify” enforcement strategy, it really rang a bell with those of us in Congress who oversee the agency, not to mention those who have to deal with the economic consequences back home. His words provided a window into a pervasive mindset driving a long list of problematic enforcement and regulatory actions by the agency.

To understand that mindset, we sought testimony from Dr. Armendariz. After all, it was his comments that so clearly embodied the hostile enforcement policy we have seen in action for the past three years.

Unfortunately, late yesterday afternoon, an attorney representing Dr. Armendariz contacted the committee staff to notify us that – despite his earlier agreement to appear – Dr. Armendariz was no longer willing to testify. Well, I'd like to know why not. Why, several weeks after he had agreed to testify, did he retain counsel and withdraw? The EPA did not make a witness available to appear alongside Dr. Armendariz today. Did the Obama administration urge him not to appear?

I have in my hand copies of letters we intend to send today to the EPA and to Dr. Armendariz to ask those questions. Congress and the American people deserve answers about this administration's policies and practices, and we intend to get them. But even without Dr. Armendariz here today, we are going to scrutinize the agency's actions by hearing directly from those on the receiving end of their enforcement.

Over and over, we have seen EPA treating job-creating energy companies as if they were the enemy. We have seen new regulations that defy any credible reading of the authority delegated to the agency.

EPA's attitude toward the private sector is troublesome enough, but its treatment of non-federal levels of government is hardly any better. I would remind everyone that the very first section of the Clean Air Act states that "air pollution control at its source is the primary responsibility of states and local governments." But today, we will hear from state, local, and tribal officials whose longstanding working relationship with the federal EPA has deteriorated considerably under Obama.

The Clean Air Act has effectively balanced economic growth and environmental improvement for decades. I am concerned that EPA has gotten far away from that balance. It is time to get back to what works. Thank you.