

Opening Statement of the Honorable Fred Upton
Subcommittee on Energy and Power
Hearing on the "U.S. Agricultural Sector Relief Act," and the
"Asthma Inhalers Relief Act"
July 18, 2012
(As Prepared for Delivery)

Over the last several decades, environmental quality has improved significantly. Our goal is to maintain that progress without imposing unnecessary burdens on our economy or the American people. That's why we have consistently advocated for regulatory common sense. And that's what we're here to talk about today - two sensible proposals that ensure environmental rules do not impose unnecessary hardships.

Congress examined and addressed ozone depletion through the 1990 Clean Air Act amendments, which provide the framework of the U.S. participation in the Montreal Protocol treaty.

As a result, the use of CFCs as refrigerants in air-conditioners and refrigerators has been sharply curtailed. And other ozone depleting substances have also been restricted.

For the most part, the transition to substitutes has gone well. But there are two exceptions that we hope to address through targeted legislation.

One deals with the crop fumigant methyl bromide, which was widely used in agricultural applications until it was included on the list of ozone depleting compounds. For many crops and uses there are adequate substitutes, and as a result, methyl bromide usage is down by over 90 percent. But for some crops, methyl bromide is still needed because viable alternatives are not yet available.

To address that issue, I am pleased that Michigan farmer Russ Costanza has joined us today. Russ grows peppers, eggplant, squash, tomatoes, and cucumbers back on his farm in Sodus, Michigan, and he employs 125 workers. We need to hear him out, because his message is that of many farmers throughout this country who doubt whether they can remain in business without continued access to methyl bromide. The Agricultural Sector Relief Act would allow farmers like Russ to keep using methyl bromide on a limited basis.

While one bill provides relief to farmers, the other provides relief to patients with asthma. The over-the-counter asthma inhalers containing CFCs, most commonly marketed as Primatene Mist, have been banned because they use small amounts of CFCs as propellants. But no non-CFC over-the-counter inhalers are available at this time, leaving asthmatics without an over-the-counter option. The Asthma Inhalers Relief Act would allow for the remaining inventories of this inhaler, which was available in the U.S. for more than four decades, to be temporarily sold or distributed without penalty.

On behalf of the American people, we are working to ensure reasonable environmental protections. And we are doing so while avoiding unnecessary harm. The two bills at issue today satisfy both these obligations.

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