

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
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**Opening Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**Markup of Discussion Draft of H.R. \_\_\_, the “U.S. Agricultural Sector Relief Act of 2012”;**  
**Discussion Draft of H.R. \_\_\_, the “Asthma Inhalers Relief Act of 2012”;** and, **Discussion**  
**Draft of H.R. \_\_\_, the “No More Solyndras Act”**  
**Subcommittee on Energy and Power**  
**July 18, 2012**

We are considering three bills that have not been thought through. Each would have unintended consequences. None of the bills offer real solutions to the problems they purport to address.

The first bill is the “No More Solyndras Act.” This is not serious legislation. It is a political bill that is designed to keep Solyndra in the news.

It is our job to recognize that families across America are suffering from record droughts, wildfires, storms, and floods that have been linked to climate change. And it is our responsibility to develop responsible policies to reduce the carbon emissions that are causing these woes.

But we are failing miserably at these responsibilities.

Under the Solyndra legislation, tens of billions of dollars of loan guarantees will be issued in the years to come, rather than stopping the program, but they freeze the projects that could apply for these funds for those that are already on the list. New breakthrough technologies would not be eligible. Creating a legislative winners list of projects eligible for loan guarantees is not the way to reform this program.

The other two bills would undermine the effectiveness of the Montreal Protocol.

One bill we are considering would increase the use of methyl bromide, a pesticide that is a powerful ozone-depleting chemical.

Methyl bromide has been banned since 2005, but there is a mechanism in the law for critical use exemptions. Each year, growers apply for exemptions, EPA analyzes those

applications with the help of USDA, and the U.S. government requests critical use exemptions under the Montreal Protocol.

This process is in place. Since 2005, the level of critical use exemptions requested by the United States and granted through the Montreal protocol has decreased dramatically. That's what is supposed to happen.

This bill reverses all the progress that has been made. Instead of requiring growers to justify continued use of methyl bromide, the bill reverses the presumption and places the burden of proof on EPA. The bill also freezes into law an outdated list of approved critical uses. Sectors that have completely phased-out the use of methyl bromide during the last seven years – like golf courses – would be permitted to use methyl bromide again. And the bill creates a gaping “emergency event” loophole.

I have concerns about the Primatene Mist bill. Primatene Mist is an over-the-counter epinephrine inhaler from the 1960s. It was phased out at the end of 2011 and has been off the shelves for over six months. The bill would take the extraordinary action of putting Primatene Mist back on the shelves so its manufacturer can sell off its remaining inventory, which should take place in nine months, they tell us.

Taking that kind of action might make sense if the inhaler was necessary for public health. But we heard testimony earlier today that medical and public health organizations oppose the use of Primatene Mist because it is not safe or recommended for treating asthma. That's what the American Thoracic Society and the Asthma and Allergy Foundation of America told us. We had a doctor on the panel, who testified I'm sure through the request of the manufacturer, who also had a chance to testify with a different point of view.

Companies that already made the necessary investments to develop CFC-free inhalers say that there is no justification for this bill because it would provide special treatment to a single company.

Now I know that people say that this is the only over-the-counter inhaler. Well, we only get an over-the-counter inhaler if there is a company that wants to sell an over-the-counter inhaler. The FDA can't provide it for us. And it's not convincing to me that we ought to allow an over-the-counter inhaler if it's not doing what it should be doing, if there are better treatments, and if the people involved in dealing with asthma medically say they don't think they ought to have this drug out there because it has some serious consequences for heart attacks, particularly. So I'm not ready to support that bill. I don't see the argument for it, and at this point, I'm going to oppose it.

But I do think Mr. Rush makes a good point. Let's get more information. Why do we have to be so speedy? Or why do we have to rush, said Mr. Rush. And I agree with Mr. Rush. There's no rush that should force us to move forward without fully understanding the consequences of what we're doing. So I thank the Chairman for the opportunity to make an opening statement, and I look forward to the markup.