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MARKUP OF

H.R. 2250, EPA REGULATORY RELIEF ACT OF 2011;

H.R. 2681, CEMENT SECTOR REGULATORY RELIEF ACT OF 2011; AND

H.R. 2937, PIPELINE INFRASTRUCTURE AND COMMUNITY PROTECTION ACT OF 2011

TUESDAY, SEPTEMBER 20, 2011

House of Representatives,

Committee on Energy and Commerce,

Washington, D.C.

The committee met, pursuant to call, at 4:35 p.m., in Room 2123, Rayburn House Office Building, Hon. Ed Whitfield presiding.

Present: Representatives Barton, Whitfield, Shimkus, Myrick, Burgess, Gingrey, McKinley, Kinzinger, Griffith, Waxman, Dingell, Towns, Rush, Green, Schakowsky, Butterfield, Barrow, and Christensen.

Staff Present: Jim Barnette, General Counsel; Maryam Brown, Chief Counsel, Energy and Power; Mary Neumayr, Counsel, Oversight/Energy; Charlotte Baker, Press Secretary; Allison Busbee,

Legislative Clerk; Garrett Golding, Professional Staff Member, Energy; Phil Barnett, Minority Staff Director; Jeff Baran, Minority Senior Counsel; Greg Dotson, Minority Energy and Environment Staff Director; Kelley Greenman, Minority Legislative Associate; Karen Lightfoot, Minority Communications Director and Senior Policy Advisor; Caitlin Haberman, Minority Policy Analyst; Jen Berenholz, Minority Chief Clerk.

Mr. Whitfield. The committee will come to order. We will only be conducting opening statements today on the bills. We will be marking up tomorrow at 10 a.m. The chair recognizes himself now for 5 minutes.

First of all, I do want to thank Chairman Upton for moving H.R. 2681, the Cement Regulatory Relief Act and H.R. 2250, the EPA Regulatory Relief Act, which I will refer to as the cement and boiler bills, as well as H.R. 2937, the Pipeline Infrastructure and Community Protection Act of 2011 through the full committee.

I am pleased that all three of the bills being considered today carry bipartisan support and are commonsense approaches that set us on a path toward environmental quality, economic security, and additional infrastructure security.

The first bill, the cement MACT bill, requires the Agency to set new emission limits for cement manufacturing plants that are reasonable and achievable. The legislation stays rules that have been issued by EPA that threaten to shut down up to 18 cement plants in America or more in the coming years and would force us to import more cement from China and other countries to build our roads, bridges, and tunnels. I mentioned in the subcommittee that it is ironic that President Obama is advocating for more infrastructure spending on the one hand, while his EPA makes it more difficult to produce the cement for that infrastructure in this country.

The second bill, the boiler bill, addresses EPA rules that set new, and for many, unachievable standards and would apply to a very

wide variety of facilities across the Nation, not just manufacturers and industrial facilities, but also colleges, universities, hospitals, municipal buildings, and commercial properties of all kinds, which would result in a higher costs for manufactured goods as well as higher medical bills, tuition, and rent. The boiler bill requires the EPA to repropose its boiler rules so as to ensure that it be both technologically and economically sensible. Both of these bills restore the balance between our Nation's economic and environmental goals.

The last bill we will be considering today or tomorrow is the pipeline safety bill. In the subcommittee, I applauded Chairman Upton and Chairman Emeritus Dingell for crafting a good product but asked that they work with us to modify the one call provision to ensure that it does not have unintended consequences. I am pleased that the manager's amendment that we will be considering incorporates those concerns to ensure that we pursue pipeline safety without unduly impacting railroads, cities, and farmers and ranchers that do routine maintenance on their property.

So I am encouraged by the fact that all three of these bills carry bipartisan support, and I hope that all members of the committee will support these bills tomorrow, and I yield back the balance of my time.

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Mr. Whitfield. At this time, I would like to recognize for his opening statement the ranking member of the full committee, Mr. Waxman of California.

Mr. Waxman. Thank you very much, Mr. Chairman. Today the committee begins consideration of three pieces of legislation. The pipeline safety bill is a good piece of bipartisan legislation. During the last 12 months a series of tragic failures has reinforced the need for stronger pipeline safety laws. Pipeline failures have occurred all around this country, from California and Montana to Michigan and Pennsylvania. We have seen natural gas pipeline explosions and ruptured oil pipelines spilling oil into rivers. This bill and the bipartisan manager's amendment that will be offered will go a long way toward updating and strengthening our pipeline safety laws in the aftermath of these tragedies, and I will support this bill.

I wish I could be positive about the two other pieces of legislation we will consider, but they are a frontal assault on public health and the environment. The House has voted 125 times this Congress to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands and coastal areas, and to weaken the protection of the environment in other ways. The two bills, the two EPA bills we will consider today are part of this concerted attack on our environment. They would gut Clean Air Act provisions that protect American families from toxic air pollution.

If the bills that we consider today are enacted, there will be

more cases of cancer, birth defects, and brain damage. The ability of our children to think and learn will be impaired because of their exposure to mercury and other dangerous air pollutants.

In 1990 Congress adopted a bipartisan approach to protect the public from toxics. The law directed EPA to set standards requiring the use of maximum achievable control technology, MACT, to control emissions of mercury, arsenic, dioxin, PCBs, and other toxic emissions.

This approach has worked well. Industrial emissions of carcinogens and other highly toxic chemicals have been reduced by 1.7 million tons each year. EPA has reduced pollution from dozens of industrial sectors, from boat manufacturing to fabric printing, from lead smelters to pesticide manufacturing, more than 100 categories of sources have been required to cut their pollution, and this has delivered major public health benefits to the Nation, but a few large source categories still have not been required to control toxic air pollution due to delays and litigation. The bills we will consider would block and indefinitely delay EPA's efforts to reduce toxic emissions from two of these major sources -- industrial boilers and cement plants. They would also rewrite the MACT standards to weaken the level of protection and set up new hurdles for EPA rules.

We are told that these bills simply give EPA the time they requested to get the rules right. That is nonsense. EPA vigorously opposes these bills. We are also told that we need to pass these bills because the threat of EPA regulation is dragging down our economy. That is legislative opportunism at its worst. It was the lack of

regulation of Wall Street banks that caused this recession, not environmental regulations that protect children from toxic and mercury emissions.

Before subcommittee consideration, I asked whether the Republican majority would be interested in working on a compromise bill that would give EPA some additional time and clarify when a facility will be considered a boiler and when it will be considered an incinerator. The response was, in effect, we have the votes and we don't need to negotiate. You may have the votes in the House, but that doesn't justify a legislative approach that ignores the facts and jeopardizes public health.

As these bills move through the committee and the House, I hope we will find the courage to say no to the special interests, to think carefully about the facts and the science, and to do what is right for American families. Until then I urge my colleagues to vote no on these extreme bills. I yield back the balance of my time.

Mr. Whitfield. Thank you, Mr. Waxman. At this time, I recognize the chairman emeritus, Mr. Barton, of Texas, for 5 minutes.

Mr. Barton. Thank you, Mr. Chairman, for having opening statements today and preparing to have a markup tomorrow of three bills, the H.R. 2250, the EPA Regulatory Relief Act, H.R. 2681, the Cement Sector Regulatory Relief Act, and H.R. 2937, the Pipeline Infrastructure and Community Protection Act of 2011. You are to be commended for working in a bipartisan fashion on these three pieces of legislation.

The Pipeline Infrastructure and Community Protection Act, as Mr. Waxman has just alluded to, does have bipartisan support on the committee. The amendment in the nature of a substitute should maintain the confidence and enhance the confidence in our pipeline safety system. Chairman, former Chairman Dingell has worked very hard on this bill with current Chairman Upton and others. It is a real team effort, and I think it shows the committee at its finest, which again Mr. Waxman agreed to on that issue.

On the EPA Regulatory Relief Act of 2011, this is something that is very important. One thing we don't lack in this country, Mr. Chairman, is EPA regulations, and the current EPA seems heck bent on adding more and more regulations on an economy that is already struggling to maintain the jobs that we have. The MACT Regulatory Relief Act would provide certainty to businesses that they can continue in business while EPA goes back and takes another look at the boiler MACT rule. There is not a single industry affected by the EPA's version of the pending rule that could operate their business and achieve the emissions standards that the EPA has imposed and still be able to keep their doors open. In the paper industry alone, Mr. Chairman, the potential cost of compliance with the boiler MACT that has been proposed exceeds over $900 million.

EPA, I think, is beginning to get it, Mr. Chairman. They have granted an administrative stay to the boiler MACT, but I think we need to go beyond that. The bill would stay the rules, give the EPA 15 months to revise the rules, provide at least 5 years for facilities to comply

instead of 3 years, direct the EPA to adopt the 2000 CSIWI solid waste definition and set MACT limits based on what real world boilers or incinerators can actually achieve.

This last issue is very important. I have had it up to my eyeballs with EPA modeling that most of the time bears little relation to the real world. On the cross-State air pollution rule, which is a different issue I understand, but the EPA model in spite of monitored data that shows there were no compliance problems in Texas or in the affected States outside of Texas requires, would require our State to spend billions of dollars, and as we have noticed last week, begin to lay off hundreds if not thousands of people, so I strongly support that bill.

On the cement bill, it is a bipartisan bill. Mr. Sullivan, a Republican from Oklahoma, and Mr. Ross, a Democrat from Arkansas, would require the EPA to, again, rethink three recent environmental rules directed at the Portland cement industry. The cost of compliance of the proposed rules, Mr. Chairman, are more than the profits of the industry. As proposed, you will see dozens of cement plants shut down, you will see hundreds if not thousands of high paying jobs eliminated, and you are just going to open up our Nation to more imports from cement that is made outside the boundaries of the United States of America.

The bill before us would create the opportunity for reasonable and balanced regulations. It would give the industry time to get back on its feet financially. It is basically a reproposal of the rules and an extension of the compliance deadline. I don't see anything that

is that controversial about that bill.

So, Mr. Chairman, I look forward to the markup. I strongly support all three bills and hope we can work to improve them tomorrow.

Mr. Whitfield. Thank you. At this time the chair would recognize the gentleman from Michigan, Mr. Dingell, the chairman emeritus, for a 5-minute opening statement.

Mr. Dingell. Mr. Chairman, I thank you for your courtesy. I would note we have before us several bills. The first is a strong bipartisan bill which does much to improve pipeline safety in our Nation. H.R. 2937, the Pipeline Infrastructure and Community Protection Act of 2011, takes a balanced approach to this very important issue and will help us fix many of the existing deficiencies in our current system. I appreciate what you did, Mr. Chairman, and I very much thank my dear friend, Mr. Upton, the chairman of the full committee, for reaching across the aisle in the manner in which he did and working in an extremely constructive manner to reach consensus.

I specifically want to recognize Jeff Baran of the minority staff and Garrett Golding of the majority staff for their fine hard work on this legislation. The Pipeline Infrastructure and Community Protection Act of 2011 contains many provisions of which we can be proud. Specifically, it expands integrity management programs while phasing out class location requirements, thereby putting a stronger safety standard in place while taking steps to remove redundant regulations.

The legislation mandates the use of automatic and remote

controlled shutoffs, valves for new pipelines, and requires the studies of the feasibility of retrofitting. The leak detection standard is an important improvement over existing law and will help us all increase public safety. There are a number of other sections that promote pipeline safety as well as several provisions that benefit industry which have been included at their request and properly so. The legislation helps continue the long history of bipartisan cooperation within this committee on the issue of pipeline safety, and I am proud that this tradition has been continued.

H.R. 2937 has widespread support in both industry and amongst safety advocates, and I urge my colleagues on the committee to support the bill. We have found a middle ground and developed balanced proposals which increase the people's confidence in our pipeline safety system while not being overly burdensome to industry. I believe we should work to send this bill to the President's desk and urge all of my colleagues to support this bill as we work with the Transportation and Infrastructure Committee to bring the legislation to the floor.

The other two pieces of legislation the committee will consider today deal with EPA and the Clean Air Act. EPA is an essential part of protecting our air quality, our environment, the treasured Great Lakes, fish and wildlife and the well-being and safety and health of our people and animals. Like other human entities, it has and it does make mistakes, and on many occasions, I have been critical of EPA, as my colleagues well know, but our job is to see that EPA does its work in protecting health and environment of our great country without

impairing the economy, jobs, and the competitiveness of this Nation. EPA needs to have the funding and the staff that it requires in a transparent way so that it merits the support of our people in the great effort to protect public health and the environment and to ensure that it can function in a proper and a transparent way.

Should this committee move forward with the legislation, it is important that the Clean Air's health-based and air quality standards be protected. I want to be sure that any solution to air pollution issues represents equitable balance amongst the affected industry and parties. The existing Clean Air Act is such a solution. And while I am not fully satisfied nor is anyone else in that legislation, many of the complaints that we direct at EPA are not the result of malevolence on the part of that agency but, rather, on the defects of the accomplishment of the legislation of the Congress back when we passed it in the 1990s, and I think one of the important things that we should keep before us is that before we take steps to alter this legislation, we need to proceed under the proper procedures, and we need to know that we have developed something better to put in its place. This means we need to know the facts, we need to understand the defects in the statute, and it is my hope that we will make a meaningful effort to identify these facts before we proceed to move on legislation.

Industry has legitimate complaints that we must inquire into. Regrettably, we are not doing that here, so I do not believe that the other two bills before us today meet the goals that I think we ought to have in terms of having good legislative process or good legislative

product. However, I do remain open to working with my colleagues on both sides of the aisle on a balanced approach as these bills move to the floor. Industry has legitimate complaints. Those legitimate complaints should be properly addressed by this committee in the traditions that we have had of an open, transparent process and not the kind of rushed political response that I see in these two matters.

Once again, I want to thank Chairman Upton for working with us in a bipartisan manner on public safety. I hope we can do a similar thing on the other bills before us, and I yield back the balance of my time with thanks.

Mrs. Myrick. [Presiding.] Thank you, Mr. Chairman. The chair yields itself 1 minute. I appreciate the committee's marking up these important bills, and I am particularly grateful we will be considering the bipartisan EPA Regulatory Relief Act. For months, I have been contacted by a variety of businesses that are greatly concerned about the negative impact to the EPA's new rules for their boilers. These are businesses who are doing everything they can just to weather the economic storm and stay afloat. However, for some reason, the cost of complying with the rules will be too much to bear. These regulations are not only a burden to manufacturers but also commercial facilities, hospitals, schools, and hotels. At a time when our unemployment rate is 9 percent, actually over 9 percent, and manufacturers are operating in a competitive global economy, it makes perfectly good sense that we would give EPA the time to repropose new workable rules for boilers. Given the difficulties many businesses have when trying to access

credit, it also makes sense to give those affected additional time to comply.

The Cement Sector Regulatory Relief Act addresses regulations that could be devastating, as you have heard, to the domestic cement sector.

Finally, I appreciate the efforts of Chairman Upton and Chairman Emeritus Dingell on the Pipeline Infrastructure and Community Protection Act. It is a great example of the type of bipartisan legislation that this committee is capable of producing, and I yield back.

At this time, I would recognize Mr. Rush for 5 minutes.

Mr. Rush. Thank you, Madam Chairman. Tomorrow we will be marking up three bills, H.R. 2937, the Pipeline Infrastructure and Community Protection Act of 2011, H.R. 2250, the so-called EPA Regulatory Relief Act of 2011, and H.R. 2681, the Cement Sector Regulatory Act of 2011.

Madam Chairman, I must praise the majority for working with our side on H.R. 2937, the pipeline safety bill, which may be the only piece of legislation this committee passes this year that actually becomes law. Both sides were able to work together in good faith on this bill, which led to a final product that has bipartisan support in this committee and which should receive widespread bipartisan support on the House Floor and the Senate as well as the support of the White House.

In particular, I am pleased that the majority side has agreed to include language from our office that would direct the Secretary of

Transportation to submit to Congress on, one, the number of minority business enterprises, women-owned business enterprises, and disadvantaged business enterprises that have been granted permission to build or operate pipelines; and two, the extent to which pipeline operators utilize the services of companies that are registered as minority-owned, woman-owned, or as a disadvantaged business enterprise.

Madam Chairman, it is extremely important that all segments of society have the opportunity to benefit from the vast opportunities to upgrade our Nation's aging pipeline infrastructure. This study would be a first step in a process to make sure that the builders and contractors in charge of rebuilding America's aging and expanding pipeline system will represent the variety of groups and businesses out there, including those who are most desperate for jobs and economic opportunity.

Unfortunately, Madam Chairman, this bipartisan approach was not the manner in which H.R. 2250 or H.R. 2681 was drafted, and I cannot support either of these bills. Currently drafted, these bills would indefinitely delay the deadline for when EPA would need to act on the rules. Additionally, the language in Section 5 requires EPA to select the "least burdensome" of the range of regulatory alternatives even if a more stringent standard is feasible, economically viable, and would provide greater public health protection. This provision raises legal uncertainty and will lead to even more litigation in the courts over EPA rules, which may be the majority's full intention.

Madam Chairman, the research also tells us that lower income families and minorities are disproportionately affected by toxic air pollution including impaired neurological development as well as respiratory and cardiovascular disease because these groups are more likely to live closer to industrial power plant facilities. Madam Chairman, this is what the science tells us, and just because we might not like what science says does not mean we should disregard science. So I would oppose both H.R. 2250 and H.R. 2681, and I would urge all of my colleagues to oppose them as well. Thank you, Madam Chairman. With that, I yield back the balance of my time.

Mrs. Myrick. Thank you, Mr. Rush. The chair yields 1 minute to Mr. Shimkus.

Mr. Shimkus. Thank you, Madam Chairman. It is great to be here today to move on three bills, all very important. One thing that gets left out, these three bills are all bipartisan approaches to protect American jobs, and the great thing about the two that seem to be controversial is that one is cosponsored by our good friend from Arkansas Mike Ross, a Democrat, and the other one is our good friend from North Carolina, Congressman Butterfield. Why? Because in this environmental time, we want to protect jobs. The EPA regulatory relief talked about incinerators and boilers. I just happened to visit a Veolia Environmental Services yesterday, hundreds of jobs, and I think what we don't get an appreciation for is how these industrial incinerators protect the environment because they are destroying the nasty elements that if they weren't there, would be going where, and

so my hat is off to them.

Of course, the boiler rule affects the paper industry in my sector. The Cement Sector Regulatory Relief Act would affect a cement manufacturer in my district. So these all are events to protect American jobs in this time, and I applaud the committee for moving this forward, and I yield back my time.

Mrs. Myrick. Thank you. At this time the chair will recognize Mr. Towns for 1 minute.

Mr. Towns. Thank you very much, Madam Chair. The Clean Air Act is one of the most important legislative achievements of the United States Congress. It is designed to protect public health against the proven damages of hazardous air pollutants. Over the years, Congress has worked on a bipartisan basis together and analyzed data on the presence and impact of known toxic air pollutants and worked with industry and regulators to address the issue and to take into account the control technologies that they would invest in, taking into account the economic consequence. Testimony in the subcommittee showed that the approach has achieved great reductions in pollution from many industrial sectors.

The bills before us today would block or indefinitely delay the process the EPA has undertaken with industry to control this hazardous pollution. Brooklyn, where I represent, has one of the highest asthma rates in the Nation, and I see it every time I go to a community meeting, a large number of people in the room have their inhalers.

We must evaluate the bills based on the impact they will have on

the Nation's health. On that note, I yield back.

Mrs. Myrick. Thank you. The chair recognizes Mr. Gingrey for 1 minute, please.

Dr. Gingrey. Madam Chair, thank you very much. I have prepared a 1 minute remark, and I will submit that for the record, but let me just say in response to a couple of members from the other side, Chairman Emeritus Dingell and the statement by my good friend from Brooklyn, Ed Towns. I don't think there is really any disagreement or certainly not from this member in regard to the value of the Clean Air Act, and from the health perspective as Representative Towns just mentioned asthma and other things, as a physician member, certainly I have and my colleagues have great concern about that, but as I understand these two particular bills that there seems to be some opposition on the other side, boiler MACT and cement MACT, that it is just delaying the EPA implementation, and Representative Dingell talked about well let's get it right.

Absolutely. So we have a 15-month delay while we have this terrible recession and all this joblessness, unemployment. Give us an opportunity for these industries to put people back to work, and that gives us 15 months to make sure that EPA gets it right, and we don't overregulate over rulemaking so the economic travesty that we are facing right now doesn't just get worse.

So I am surprised, quite honestly, that there is that much opposition. Hopefully there isn't that much, and that we will go forward with all three of these bills.

Madam Chairwoman, I thank you very much for bringing them forward and I yield back.

Mrs. Myrick. Thank you. At this time the chair yields a minute to Mr. Green.

Mr. Green. Thank you, Madam Chairman, for holding the markup today and tomorrow. We have three bills before us, H.R. 2250, the EPA Regulatory Relief Act of 2011, H.R. 2681, the Cement Sector Regulatory Relief Act of 2011, and H.R. 2937, the Pipeline Infrastructure and Community Protection Act of 2011. I applaud Chairman Upton, Ranking Member Waxman and Ranking Member Emeritus Dingell for their hard work in crafting a bipartisan pipeline safety bill.

Many of my concerns which I addressed in the subcommittee about provisions of the bill has been fixed in the new draft. Pipeline safety is particularly important to me. I represent parts of Houston and east Harris County, Texas, where virtually everyone either lives on or is in close proximity to a natural gas or oil pipeline. I also have thousands of constituents who rely on this industry for employment and their livelihood. Passing this bill will address the dual priorities of ensuring safety along these pipelines and providing regulatory certainty for the operators in the years ahead.

Concerning the two MACT bills, I am still concerned that there is no deadline for the EPA to repropose both the boiler and the cement MACT rules, and if we are trying to give our companies regulatory certainty, how are we helping them by not setting a date that they can then expect the rules to be issued? How are they supposed to plan for

years in advance? Also your main concern that the language that requires EPA to select the least burdensome of the range of regulatory alternatives is ambiguous and may not work the way the committee intends it to work. If a more stringent standard is shown to be feasible and economically viable, then that is the standard that should be required. This is how we cleaned up our air over the past several decades and protected public health, and I appreciate the time, Madam Chair.

Mrs. Myrick. Thank you, Mr. Green. At this point, the chair yields 1 minute to Mr. McKinley.

Mr. McKinley. Thank you, Madam Chairman. The excessive aggressiveness of the EPA and their relentless attack on West Virginia families and jobs needs to stop. The bipartisan bills before us today will save thousands of jobs in the forest, paper, and cement industries in my home State. It is hypocritical of this President to disingenuously say small businesses and manufacturers are important to our economic recovery, but then he and his rogue EPA continue to move the environmental goalposts by changing the rules on American businesses that are already meeting EPA standards. It is not a coincidence that the American economy did not create one job last month, and there are 14 million people unemployed. That is simply unconscionable.

Republicans are not trying to do away with the EPA. We are trying to make a scientifically supported practical approach. American employers are struggling to meet the ever-changing, ideologically-motivated, political agenda from the EPA and this

administration. What we need is to give businesses the time to get their feet back on the ground. We are here not to challenge the authority of the EPA but to challenge their lack of common sense and timing. A motto please for the president would be well advised to follow is do not make perfect the enemy of good. Thank you very much, and I yield back my time.

Mrs. Myrick. At this time, the chair yields 1 minute to Ms. Schakowsky.

Ms. Schakowsky. Thank you, Madam Chair. I am encouraged by the agreement reached on H.R. 2937 to address the safety of American oil and gas pipelines. I hope its passage will prevent future losses of life and deterioration of health and the environment.

I am, however, opposed to both H.R. 2250 and H.R. 2681. Those bills undermine long overdue Clean Air Act rules and continue the trend of anti-environmental and anti-science legislation in this committee. It is a false premise that dirty air policies are somehow good for our economy.

On September 8th, groups representing 125,000 American small businesses voiced support for the Clean Air Act, saying that "regulation is often the key to innovation" and will help to keep the United States at the forefront of the global economy. Clean Air Act regulations also clearly promote our economic interests with a 4-to-1 economic benefit to cost ratio since 1990. Our constituents, our small businesses, and our economy demand that we support the EPA's implementation of the Clean Air Act. I cannot support H.R. 2250 or

H.R. 2681, and I yield back.

Mrs. Myrick. Thank you. The chair recognizes Mr. Kinzinger for 1 minute.

Mr. Kinzinger. Thank you, Madam Chairman, for the time, and thank you for holding this markup on these vital jobs bills today. I was proud to work with my colleagues on the committee in developing the Cement Sector Regulatory Relief Act. Last September, the EPA released new regulations, new regulations again on the American cement industry. These new requirements will cost $3.4 billion and will close 18 out of 100 cement plants in this country, leaving 20,000 Americans without jobs. When this rule is in full effect and the plants are closed, where is America going to purchase its cement? It is going to purchase it from China, a country that is purchasing cement with zero environmental safeguards. With the increased demand in China, global hazardous pollution will rise with these new levels. This bill gives regulators time to develop practical rules for cement manufacturing facilities and will protect jobs in the cement industry, the manufacturing industry, and the construction industry that could otherwise be sent overseas. Enough is enough. I urge my colleagues to support and I yield back.

Mrs. Myrick. The chair recognizes Mr. Barrow from Georgia for 1 minute.

Mr. Barrow. Thank you, Madam Chairman. I am proud to be an original cosponsor of H.R. 2250, the EPA Regulatory Relief Act. This legislation was drafted in response to new EPA regulations on emissions

from industrial and commercial boilers. I believe those regulations, however well meaning, cannot reasonably be met with today's technologies. I believe that the end result of these boiler MACT regulations will be that employers will have to sacrifice jobs in order to make the investments required to comply. I do not believe that it is in the best interests of our economy to force employers to make those tough choices. It doesn't have to be that way.

The bill before us is a more reasonable approach. It will still spur industry into making investments that cut down on harmful air emissions, but it also minimizes the chances of negative economic consequences and job losses. This bill is the product of several months of good bipartisan work. It is an example of how we can be productive by working together. I encourage my colleagues' support. I thank the chairman for the time, and I yield back.

Mrs. Myrick. Thank you. At this time the chair yields 1 minute to Mr. Griffith.

Mr. Griffith. Thank you, Madam Chair. Like any compromise, the language of H.R. 2250, the EPA Regulatory Relief Act, isn't what I or the other sponsors might have done if they were acting alone. However, this language brought together a group of legislators from both sides of the aisle with a reasonable approach and reasonable language, and I am proud to be able to carry and defend this bipartisan compromise language. This bill has 122 cosponsors, of which 25 are Democrats. We have hundreds of support letters from businesses, unions, and trade associations.

Boiler MACT is a complex area of law and regulation. We are talking about hundreds of pages in the Federal registry. Business needs certainty with both boiler MACT and cement MACT, and they need to know that we are going to get these rules right. The bills simply provide sufficient time to get it right when imposing such expensive comprehensive rules on businesses that employ thousands of hard working Americans. Particularly in this economic environment, we need to make sure the rules are right. As the EPA told the court last December on boiler MACT, investments required by these rules are irreversible. For those businesses that decide to stop producing their product at a particular location, the job losses are also irreversible.

I urge my colleagues to join me in supporting the EPA Regulatory Relief Act of 2011. These are real people and these are real jobs on the line.

Thank you, Madam Chairman. I yield back my time.

Mrs. Myrick. Thank you, and at this point, the chair recognizes Mrs. Christensen for 1 minute.

Dr. Christensen. Thank you, Madam Chair, and I want to thank the chairman and ranking member for the opportunity to weigh in on these bills before us today. I am pleased that both sides of the aisle, as my colleagues have said, were able to work together in a bipartisan effort to craft and introduce H.R. 2937, the Pipeline Infrastructure and Community Protection Act of 2011. The weaknesses that were uncovered in the wake of the troubling record of spills and explosions over the past couple of years cried out for a comprehensive review and

analysis. This bill is a result of that and includes a series of good recommendations for public policy and industry standards.

While H.R. 2937 makes significant strides, the other two bills being considered would seriously weaken public health and environmental protections at a time when we need them more than ever. At some point, this Congress has got to put greater importance on health and safety. These bills sacrifice them once again.

With regard to H.R. 2250, I have a large refinery and public utility that would come under MACT regulations and standards, but I found that EPA was willing to work with them and other facilities and island communities to address some of the unique issues they would face. If we err, we should do so on the side of caution. These bills do not, and I don't think they are in the best interests of the Nation's public. I hope that this committee will reject them. Thank you. I yield back.

Mrs. Myrick. Thank you. At this time the chair recognizes Mr. Butterfield for 1 minute.

Mr. Butterfield. Thank you very much, Madam Chairman. It is good to see you sitting there in the chair. The acting chair and I are from the same State of North Carolina. She is from one end of the State and I am from the other, but thank you very much for recognizing me, and let me thank the chairman, in his absence, for holding this markup today on these three bills. I am especially appreciative to have the opportunity to amend and report H.R. 2250, for which I serve as the lead Democratic co-sponsor. Legislation is rarely perfect, and this bill is certainly no exception, but I fully support the bill's

intent of providing the EPA with the time it requires to develop a fair and effective rule to protect the environment and public health from hazardous air pollutants.

In my district in eastern North Carolina, thousands of people continue to depend upon the ability of the affected industries to meet the rules promulgated by EPA, from the forest manager in the field to the facility engineer to the man or woman who fixes both of their cars. Simultaneously, they and all of their neighbors rely on the Clean Air Act to guarantee their right to breathe safe air. It is my great goal that this legislation meets these two mutually inclusive goals in a reasonable time frame.

We must build upon the foundations of environmental responsibility in a sustainable way. 2250 helps to do just that, and so I want to thank you for the time, I want to urge my colleagues to support it. Thank you. I yield back.

Mrs. Myrick. Thank you. The chair thanks all the members, and we will stand in recess until 10 a.m. tomorrow morning.

[Whereupon, at 5:17 p.m., the committee recessed, to reconvene at 10:00 a.m., Wednesday, September 21, 2011.]