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ONE HUNDRED TWELFTH CONGRESS

Congress of the United States

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Opening Statement of Rep. Henry A. Waxman
Ranking Member, Committee on Energy and Commerce
Markup on H.R. 2401, the Transparency in Regulatory Analysis of Impacts on the Nation Act Subcommittee on Energy and Power
July 8, 2011

Today, the Subcommittee considers H.R. 2401, a revised version of the TRAIN Act, which requires additional studies of EPA regulations.

This bill is called the TRAIN Act because energy lobbyists have been complaining that regulations to protect public health from power plant air pollution will cause a “train wreck” for the reliability of the nation’s electric system.

This is another one of the myths that have become so commonplace in this room, like the myth that climate change is a hoax. Analysts have found that EPA regulations won’t cause a “train wreck” or even a fender bender. Just last month, the Bipartisan Policy Center released a new report that finds impacts on the reliability of the electric system are manageable while delivering significant public health and environmental benefits. CEOs of leading electric utilities have said the same thing.

H.R. 2401 is seriously flawed. I support the effort to have good information about the potential impacts of regulations. But I can’t support proposals that are one-sided or that will waste taxpayer dollars with redundant or infeasible analyses.

One problem is that the bill calls for an analysis of only the costs of regulations, not their benefits. It asks for an analysis of the impacts of EPA regulations on “the global economic competitiveness of the United States,” but not on the benefits of mitigating global climate change. It calls for an analysis of the impact of “facility closures,” but not of the “facility openings” that will be created by investments in clean energy.

Another problem is the feasibility of the legislation. The bill requires a new government committee to analyze actions that may be taken by federal, state, and local regulators over the next 20 years. This speculative effort must be completed by next August, using state-of-the-art economic modeling.

There is a real question whether this is even remotely feasible.

Unlike the previous version of this legislation, H.R. 2401 complies with the discretionary CutGo rule. Unfortunately, it does so by slashing the authorization for the effective and popular Diesel Emissions Reduction Act (DERA).

For months, Republicans on this Committee have been saying that we need to cut the size of government to create private sector jobs. This bill now does the exact opposite. It cuts a program that has created thousands of good-paying jobs in the private sector to fund the creation of a new government bureaucracy.

Our manufacturing sector is at last showing signs of growth and programs like DERA are one of the reasons. The last thing we should be doing is savaging a proven job-creating program like DERA to create an unnecessary government committee.

That is why I will be opposing this bill today.