

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

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 of 2011, and H.R. 2273, the Coal Residuals Reuse and Management Act of 2011
Committee on Energy and Commerce
July 11, 2011

Today, the full Committee considers two bills, H.R. 2273, regarding coal ash, and H.R. 2401, a revised version of the TRAIN Act, which requires additional studies of EPA regulations.

Disposal of toxic coal ash is a serious issue, and it deserves an effective response that is much better vetted than this bill offers. At hearings in this Committee, we've heard testimony about the devastating impacts contamination from these wastes can cause. We've learned of contaminated drinking water supplies and ruined property values. We've learned that improper disposal of coal ash can both present catastrophic risks from ruptures of containment structures and cause cancer and other illnesses from long-term exposure to leaking chemicals.

EPA has been trying to develop regulations to ensure that coal ash disasters, such as occurred at Kingston in 2008, will not recur. There are proposals to phase out wet impoundments, like in Kingston, and to require basic controls like the use of liners, groundwater monitoring, dust control, and other engineering measures.

The legislation we will consider will not yet accomplish any of this. It will establish a weak federal program designed to maintain the status quo. This bill won't protect public health as currently drafted. It won't make high-risk impoundments of coal ash safe. It won't stop contamination of drinking water. It's not about ensuring beneficial reuse of coal ash.

The TRAIN Act is similarly flawed. Energy lobbyists have been complaining that regulations to protect public health from air pollution from power plants will cause a "train wreck" for the reliability of the nation's electric system. The premise of the TRAIN Act is that we need to analyze the cumulative impact of the regulations to prevent this from happening.

But this "train wreck" idea 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 even a fender bender. Just last month, the Bipartisan Policy Center released a new report on the regulations that finds impacts on the reliability of the electric

system are manageable while the public health and environmental benefits are huge. CEOs of leading electric utilities have said the same thing.

One core 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. This does not appear to be feasible.

To pay for the costs of the new analyses, the legislation slashes the authorization for the effective and popular Diesel Emissions Reduction Act, called “DERA.” The last thing we should be doing is savaging a proven job-creating program like DERA to create an unnecessary government committee.

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.

I thought Republicans want smaller, less bureaucratic government. A new committee with 11 heavyweights, including five cabinet secretaries, will create more government bureaucracy and more government red tape – and not one more job in the private sector created.

That is why I will be opposing this bill today.