

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 on H.R. 1705, the Transparency in Regulatory Analysis of Impacts on the Nation
Act of 2011, and the Discussion Draft of H.R. __, the Jobs and Energy Permitting Act of 2011
Subcommittee on Energy and Power
May 24, 2011

Today, the Subcommittee considers two pieces of legislation: H.R. 1705, which requires additional studies of EPA regulations, and a discussion draft, which addresses oil and gas drilling on the outer continental shelf.

I have serious concerns about both bills.

H.R. 1705, known as the TRAIN Act, creates a new government panel charged with evaluating the cumulative impacts of EPA and related state and local regulations. I support the effort to have good information about the potential impacts of regulations. But I can't support proposals that are one-sided, that will waste taxpayer dollars with redundant or infeasible analyses, or that are designed to prevent EPA from doing its job of protecting public health and the environment.

One serious problem is that H.R. 1705 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 reducing global climate change. It requires an assessment of the impacts of EPA regulations on electricity and fuel prices, not on the health benefits of fewer cases of childhood asthma and longer lives. 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.

Unless we amend the bill to restore balance, it won't provide a fair and objective assessment of the rules to be examined.

Another problem is the cost to taxpayers. Under current law, proposed regulations are already subject to extensive analysis prior to being finalized. The legislation may be too ambitious given the time available and the inherent limitations of economic modeling to produce any meaningful additional value. In its current form, the bill asks a new government committee to analyze actions that may or may not be taken by federal, state, and local regulators, including 110 state and local permitting agencies, over the next 20 years. The committee is supposed to do this

by next August, using state-of-the-art economic modeling, and without the authority to collect information.

There is no question that this effort will cost taxpayers dearly, but there is a real question whether it is even remotely feasible.

Today we're also marking up a bill to amend the Clean Air Act to expedite air permits for oil and gas operations on the Outer Continental Shelf. I will also oppose this bill. It would do great damage to air quality in California and other coastal states.

I believe that the OCS air permitting process could be improved, so I reached out to the majority to see if they would work with me on the legislation. While we did have some staff discussions on the bill, Chairman Whitfield rejected my proposals and decided to pursue extreme changes to the law.

The result is a bill that will produce more pollution, more litigation, and less public participation.

Yesterday we had a hearing on a bill that oil companies are pushing to short-circuit the permit process for a tar sands pipeline through America's heartland. Today we are marking up a bill to allow oil companies to pollute more. And on Thursday we will mark up chemical security legislation that will fail to close critical security loopholes because the oil companies oppose such improvements.

This agenda may be great for the oil companies, but it's the wrong agenda for America. It puts the oil companies first and leaves the rest of us paying at the pump and in the quality of our environment.

We hear that we need to pass these bills to reduce gas prices, but that's nonsense. Even if Shell's permits were issued today, it would be well over a decade before the wells would start producing. We heard testimony yesterday that the tar sands pipeline will actually raise gas prices. And leaving refineries vulnerable to terrorist attacks certainly won't lower gas prices.

America has real energy problems. But these bills are not the solution. Waiving environmental requirements and short-circuiting permitting reviews may boost oil company profits, but it won't lower prices or enhance our energy security.