

Testimony of Senator Lisa Murkowski of Alaska
Before the United States House of Representatives Committee on Energy and
Commerce
Wednesday, April 13, 2011

Chairman Upton, Ranking Member Waxman, and distinguished members of the Committee, thank you for the invitation to testify today about outer Continental Shelf air quality issues. As the Ranking Member of the Senate Committee on Energy and Natural Resources, the Ranking Member of the Appropriations Subcommittee on Interior and the Environment, and above all the Senior Senator for the State of Alaska, my interest in this issue could not be greater.

You are all by now aware that one of America's most critical pieces of infrastructure, the Trans Alaska Pipeline, is now less than one-third full. The tremendous resources beneath Alaska's OCS could help refill that pipeline, slash America's dependence on foreign oil, create new jobs, and generate new government revenues. Yet despite these much-needed benefits, even exploration has been blocked because of the Environmental Protection Agency's continued inability – or simple unwillingness – to issue valid air permits.

My fellow witnesses will testify to the specifics of EPA's failure to comply with both the intent of the Clean Air Act and with Congress' directive in the Fiscal Year 2010 Interior and EPA Appropriations bill. I will simply say at the outset that no matter what anyone's opinion is about offshore oil and gas development, in the Arctic or elsewhere, it is indefensible for a permit application to take six years when the EPA Administrator has testified, as she did in my Appropriations subcommittee, that there is no anticipated human health risk at issue. That's six years and counting, Mr. Chairman, despite no anticipated risk.

I would also suggest to the members of this committee that it is likewise indefensible to allow the EPA's failures to serve as a de-facto veto over the national energy security interests of the outer Continental Shelf. The Outer Continental Shelf Lands Act assigns the Interior Department with the mission of the expeditious development of energy resources – and those resources belong to the American people, not any corporation and certainly not any federal agency. It cannot be the EPA's decision, nor their Environmental Appeals Board's decision, that determines whether Americans benefit from their holdings in the OCS.

The EPA's core competencies are supposed to involve both an understanding of human health impacts and a command of air quality permitting regimes so that a

regulated operation – be it a power plant, a factory, or a drilling rig – can have a level of reasonable expectation about the timing of their application, especially when there's no human health risk at issue. Instead, we're witnessing core incompetency. The air permitting process has been confused and really taken advantage of by those who have found the Clean Air Act to be less of an air quality statute and more of a hidden, blunt instrument that can be used to stop energy exploration.

This is no longer a matter of understanding the process better or taking even greater steps to ensure air quality concerns are addressed. If the EAB cannot accept a permit that took this long and this much accommodation to issue, EAB has no place in the process. And likewise, if the EPA cannot demonstrate some competency, especially as Congressional urging and intent becomes more clear, then EPA should not expect to keep its authority for long.

Mr. Chairman and members of this committee, I am grateful for the opportunity to testify before you. Chairman Upton, I thank you for your engagement on this important issue. This is an area where Congress can act – and I believe must act – to considerably improve our nation's energy policy.