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6 MARKUP OF SUBCOMMITTEE VOTE ON H.R. 1917;

7 H.R. 453; H.R. 350; AND H.R. 1119

8 WEDNESDAY, NOVEMBER 15, 2017

9 House of Representatives

10 Subcommittee on Environment

11 Committee on Energy and Commerce

12 Washington, D.C.

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15  
16 The subcommittee met, pursuant to call, at 10:00 a.m., in  
17 Room 2123 Rayburn House Office Building, Hon. John Shimkus  
18 [chairman of the subcommittee] presiding.

19 Members present: Representatives Shimkus, McKinley, Barton,  
20 Murphy, Blackburn, Harper, Olson, Johnson, Flores, Hudson,  
21 Cramer, Walberg, Carter, Walden (ex officio), Tonko, Ruiz,  
22 Peters, Green, DeGette, McNerney, Cardenas, Dingell, Matsui, and  
23 Pallone (ex officio).

24 Staff present: Ray Baum, Staff Director; Mike Bloomquist,  
25 Deputy Staff Director; Samantha Bopp, Staff Assistant; Allie

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Bury, Legislative Clerk, Energy/Environment; Karen Christian, General Counsel; Zachary Dareshori, Staff Assistant; Wyatt Ellertson, Research Associate, Energy/Environment; Adam Fromm, Director of Outreach and Coalitions; Ali Fulling, Legislative Clerk, Oversight & Investigations, Digital Commerce and Consumer Protection; Jordan Haverly, Policy Coordinator, Environment; A.T. Johnston, Senior Policy Advisor, Energy; Peter Kielty, Deputy General Counsel; Ben Lieberman, Senior Counsel, Energy; Mary Martin, Deputy Chief Counsel, Energy & Environment; Brandon Mooney, Deputy Chief Energy Advisor; Dan Schneider, Press Secretary; Evan Viau, Legislative Clerk, Communications & Technology; Hamlin Wade, Special Advisor, External Affairs; Priscilla Barbour, Minority Energy Fellow; Jeff Carroll, Minority Staff Director; Elizabeth Ertel, Minority Deputy Clerk; Jean Fruci, Minority Energy and Environment Policy Advisor; Caitlin Haberman, Minority Professional Staff Member; Rick Kessler, Minority Senior Advisor and Staff Director, Energy and Environment; Dan Miller, Minority Policy Analyst; Alexander Ratner, Minority Policy Analyst; Tim Robinson, Minority Chief Counsel; Andrew Souvall, Minority Director of Communications, Outreach and Member Services; C.J. Young, Minority Press Secretary; and Catherine Zander, Minority Environment Fellow.

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48 Mr. Shimkus. The subcommittee will come to order, and I  
49 would like to recognize myself for an opening statement.

50 Good morning, and welcome to today's subcommittee markup.

51 I am pleased that we have begun the process of moving some what  
52 we believe are common sense bills that will help small business,  
53 car racing enthusiasts, and consumers.

54 This committee strives to make our nation's environmental  
55 regulations smarter and that is exactly what these four bills.

56 Smarter regulations protect public health while also  
57 encouraging economic growth and job creation. I hope that my  
58 colleagues on both sides of the aisle will be constructive so  
59 that we can report these bills and provide small business with  
60 much-needed regulatory relief while also maintaining strong  
61 protections for public health and the environment.

62 Today, we will be marking up four bills, which were the  
63 subject of a legislative hearing on September 13th of this year.

64 Two of these bills, H.R. 1917 and H.R. 1119, passed this committee  
65 and the House floor last Congress.

66 The second two bills address concerns that have been brought  
67 to this committee's attention from industries that are being  
68 hampered by over-burdensome regulation.

69 Those bills have bipartisan support and I hope that we are  
70 able to move them expeditiously.

71 H.R. 1917, the BRICK Act, and H.R. 453, which extends new  
72 source performance standard deadlines for residential wood

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73 heaters, both provide relief to small businesses and both enjoy  
74 bipartisan support.

75         These bills help businesses who are being held back by  
76 significant compliance costs imposed by environmental  
77 regulations, resulting in the loss of jobs and damaged economy.

78         H.R. 1119, the SENSE Act, addressed facilities that take  
79 coal refuse and turn it into electricity and harmless ash. The  
80 ash can then be used to remediate the sites formerly contaminated  
81 by coal refuse piles.

82         The bill before us simply allows for an alternative  
83 compliance method under the Mercury Air Toxic, or MATS, rule.  
84 Our amendment, in the nature of a substitute of this bill,  
85 addresses the concerns raised about this bill last Congress.

86         As I mentioned at the hearing in September, H.R. 350, the  
87 RPM Act, seeks to clarify longstanding policy on vehicles modified  
88 exclusively for competition on racetracks.

89         Never in the 47-year history of the Clean Air Act has the  
90 agency enforced the anti-tampering provisions against vehicles  
91 that are taken off public roads and driven exclusively on  
92 raceways.

93         But in 2015, the agency inserted language into an unrelated  
94 proposed rule suggesting a change in policy. While the EPA later  
95 retracted that language, it did so in a manner that left unclear  
96 the legal status of the owners of these cars and motorcycles as  
97 well as businesses that serve them.

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98           The RPM Act would make -- would make that cloud disappear  
99           and make it clear that the agency's hands-off policy is indeed  
100          the law. All these bills provide the necessary leeway and  
101          flexibility to smaller entities so that they can meet the  
102          requirements of the Clean Air Act without experiencing needless  
103          regulatory burdens.

104               For this reason, it is imperative that we report these bills  
105          today so that we can help the many small businesses throughout  
106          the country that are being threatened by unreasonable  
107          regulations.

108               And with that, I will end my statement and yield back my  
109          time and recognize my friend and the ranking member of the  
110          subcommittee, Mr. Tonko from New York, for five minutes.

111               Mr. Tonko. Thank you, Mr. Chair.

112               We will consider four bills at today's markup that seek to  
113          amend and, in my opinion, undermine the Clean Air Act, including  
114          H.R. 1917, the BRICK Act; H.R. 1119, the SENSE Act; H.R. 453,  
115          the Relief from New Source Performance Standards Act of 2017;  
116          and then, finally, H.R. 350, the Recognizing the Protection of  
117          Motor Sports Act of 2017.

118               I have concerns with each of these bills but I will try to  
119          keep these opening remarks brief. Broadly speaking, each bill  
120          seeks to give a carve out under the Clean Air Act.

121               While I know some members are sympathetic to the arguments  
122          from businesses, especially small businesses, we need to think

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123 about what is in the best interests of all Americans.

124 We know that delaying Clean Air Act rules negatively impacts  
125 on public health. So, ultimately, postponing or undermining  
126 rules that seek to reduce hazardous air pollutants is not good  
127 for Americans.

128 We also know that pollution can be a tremendous drag on our  
129 economy and productivity, causing respiratory illnesses, costly  
130 hospitalizations, missed school and workdays, and even premature  
131 deaths.

132 In October, the Lancet Commission on Pollution and Health  
133 issued a report that found pollution has been linked to 9 million  
134 deaths worldwide in the year 2015.

135 Air pollution was the chief culprit, accounting for  
136 two-thirds of deaths from pollution -- some 6.5 million people.

137 While the majority of these deaths were in developing countries,  
138 the United States was not immune.

139 We should keep in mind how far we have come in this country  
140 to protect our health and clean up our air while not losing sight  
141 that there is still more work to do.

142 Unfortunately, that view has not been shared by the current  
143 EPA, which is now appointing members to the Scientific Advisory  
144 Board that believe the air is too clean.

145 I don't share that view and neither do the doctors and  
146 scientists that have testified before this subcommittee in recent  
147 years on the Clean Air Act, including on the bills before us today.

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148 Our country can do better than the status quo and in recent  
149 years the EPA has worked hard to develop protections that will  
150 continue the decades-long trend of improving our nation's air  
151 quality during which time our economy has continued to grow.

152 The Clean Air Act had been about making progress over time.  
153 The longer we delay new standards, the longer our constituents  
154 are forced to live with unhealthy levels of air pollution.

155 I want to reiterate my initial concerns with the bills before  
156 us today. With that, Mr. Chair, I yield back.

157 Mr. Shimkus. Gentleman yields back his time.

158 Chair now recognizes the chairman of the full committee,  
159 Mr. Walden, for five minutes.

160 The Chairman. Good morning, Mr. Chairman. Thanks for  
161 holding this markup today.

162 As you know, we are considering four pieces of legislation  
163 that I think make common sense adjustments to preserve small  
164 businesses and jobs while still maintaining important  
165 environmental protections.

166 These bills address the impact of regulations and policies  
167 aimed at brick makers, coal refuse to energy plants, the amateur  
168 racing industry, and of particular importance to many in rural  
169 Oregon, wood stoves.

170 You know, many parts of the state I am from we are surrounded  
171 by forests and there is lots of wood around, and wood heat is  
172 a pretty important part of the way people can afford to keep their

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173 homes and their ranch shops warm in the winter.

174 But Oregonians in some of these areas know all too well how  
175 expensive burdensome regulations can be and in areas like Lakeview  
176 and Klamath Falls have found themselves facing no good option  
177 between risking air quality restrictions that could prohibit  
178 economic growth or forcing residents to purchase expensive new  
179 wood stoves that meet new regulations.

180 These communities ended up spending a million and a half  
181 to help those consumers afford the new stoves. Now, some argue  
182 Congress has no role modifying EPA rules and we should simply  
183 wait it out while legal challenges work their way through the  
184 courts or while EPA completes its reconsideration process of these  
185 policies.

186 With respect to the issues and legislation being addressed  
187 today, I simply disagree. After all, it was Congress that  
188 delegated the EPA its authority under the Clean Air Act and  
189 Congress has the right and the duty to step in when we see this  
190 authority being misused in ways that threaten all business and  
191 jobs. Furthermore, time is short and there is no guarantee that  
192 either the courts or the agency will act soon enough to prevent  
193 plant closures and pink slips.

194 Some have claimed these bills represent a rollback to  
195 environmental and public health protections but we need to  
196 maintain a sense of perspective.

197 For one thing, none of the four sectors at issue are a

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198 significant source of emissions. For example, coal refuse to  
199 energy plants represent about one-half of 1 percent of the  
200 nation's coal-fired capacity and vehicles modified to be used  
201 exclusively for competition or even a smaller fraction of the  
202 250 million vehicles owned by Americans.

203 Additionally, many of these businesses face other measures  
204 that restrict emissions. The brick industry has already reduced  
205 emissions by nearly 95 percent, according to a study by the U.S.  
206 Chamber of Commerce.

207 Perhaps most importantly, none of these bills repeals any  
208 regulation. They simply make targeted adjustments in order to  
209 reduce the risk of plant shutdowns and layoffs.

210 I conclude by noting that EPA recently updated its air  
211 quality trends to include the 2016 data and the news is very good.

212 Air pollution continues to decline and that includes nearly all  
213 the emissions at issue today.

214 The data show there is no environmental justification for  
215 inflicting this economic harm on small businesses in the  
216 communities where they are located and, thus, there is every  
217 reason to pass these bills to ensure that such harm is avoided.

218 Now, Mr. Chairman, I yield back the balance of my time.

219 Mr. Shimkus. Gentleman yields back his time.

220 Chair now recognizes the ranking member of the full  
221 committee, Mr. Pallone, for five minutes.

222 Mr. Pallone. Thank you, Mr. Chairman.

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223 Today's markup is another disappointing effort by the  
224 committee to advance bills to undermine public health protections  
225 and erode our progress on clean air.

226 Two of these bills were considered by the committee in the  
227 last Congress -- H.R. 1119, the SENSE Act, and H.R. 1917, the  
228 BRICK Act -- and I opposed these bills in the last Congress and  
229 I oppose them now.

230 The SENSE Act would allow power plants that burn coal refuse  
231 to emit higher levels of sulfur dioxide and hydrogen chloride,  
232 two dangerous air pollutants.

233 It does this by revising both the mercury and the air toxic  
234 standards rule and the cross-state air pollution rule, and this  
235 bill is a sweetheart deal for a small group of power plants that  
236 will result in more air pollution.

237 As a congressman from a downwind state, I am particularly  
238 concerned about this bill. Pollution generated west of New  
239 Jersey moves into our air shed, jeopardizing public health.

240 It also increases the regulatory burden on New Jersey  
241 businesses that will be asked to do more to compensate for the  
242 extra pollution generated by these plants.

243 The majority is expected to propose an amendment in the  
244 nature of a substitute that strikes all the changes to the  
245 cross-state air pollution rule from the bill and this is a positive  
246 development.

247 But the harmful changes to the mercury and air toxic rule

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248 remain in place and so I continue to oppose the bill.

249 H.R. 1917, the BRICK Act, is another matter. While there  
250 are special circumstances related to the rule for brick and clay  
251 ceramic manufacturing, this bill is not the way to address the  
252 problem.

253 It sets a dangerous precedent that would encourage endless  
254 legal challenges designed to stall compliance with important  
255 safeguards and this issue currently is before the courts and that  
256 is where the issue should be resolved.

257 A few weeks ago, we held a hearing about the many dangers  
258 associated with forest fires. The Western states in particular  
259 have experienced another record year of fires with tragic  
260 consequences including widespread and persistent air pollution.

261 So it is difficult to understand why we would want to consider  
262 H.R. 453, the Relief from New Source Performance Standards Act.

263 This bill delays the rule to provide to improve the efficiency  
264 and emissions performance of wood stoves, hydronic heaters, and  
265 forced-air furnaces.

266 Any delay in this rule will allow less efficient stoves and  
267 heaters that pollute the air to be on the market for three  
268 additional years, and because these appliances last for decades  
269 it will take far longer to reduce pollution from these sources.

270 It makes no sense to me why we would want to add more pollution  
271 from wood burning, especially when there are manufacturers  
272 producing compliant appliances today.

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273           These standards have not been updated since 1988, nearly  
274           30 years ago. Furthermore, these new standards do not even begin  
275           to apply until 2020.

276           All H.R. 453 really does is punish manufacturers who invested  
277           in cleaner, more efficient technologies and increase dangerous  
278           air pollution. There is no justification for extending the  
279           deadline for these standards and no need for this bill and that  
280           is why I oppose it.

281           And finally, we have H.R. 350, the Recognizing the Protection  
282           of Motor Sports Act of 2017. The need for this bill has been  
283           exaggerated.

284           Nothing in the Clean Air Act prevents anyone from racing  
285           a vehicle professionally or as an amateur. Motor sports are not  
286           in jeopardy, but air quality will be if we pass H.R. 350 in its  
287           current form.

288           The devices which are marketed and installed on a vehicle  
289           to improve its performance for racing are emission-controlled  
290           defeat devices. This is the same type of device that led to  
291           significant fines and loss of consumer confidence for Volkswagen  
292           because they result in much higher pollution.

293           If someone installs these devices on a vehicle, that vehicle  
294           should no longer be driven for daily use on public roads. If  
295           a car is modified into a dedicated race car, then it should only  
296           be used on a track.

297           H.R. 350 creates a loophole in the Clean Air Act that is

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298 too broad to ensure these devices will only be installed in  
299 dedicated racing cars.

300           However, I believe we can find a bipartisan solution that  
301 would result in widespread support for H.R. 350 and, Mr. Chairman,  
302 I am willing to work with you towards that goal.

303           I know you have talked about it and I hope we will be able  
304 to take the opportunity to improve this bill before it is  
305 considered by the full committee.

306           But I can't support the bill as -- in its current form that  
307 facilitates emissions cheating and that is what H.R. 350 does.

308           Exempting businesses from clean air rules leads to more air  
309 pollution.

310           Air pollution damages people's health. Relaxing air  
311 standards for businesses does not reduce costs. It merely  
312 transfers them from business to individuals who will pay for the  
313 excess air pollution with more doctor visits and more lost work  
314 or school days.

315           And so I urge my colleagues to join me in rejecting these  
316 bills and I yield back the balance of my time.

317           Mr. Shimkus. Gentleman yields back the balance of his time.

318           Chair reminds members that pursuant to the committee rules  
319 all members' opening statements will be made part of the record.

320           Are there further opening statements?

321           The chair recognizes the gentleman from Ohio -- the gentleman  
322 from Ohio for three minutes.

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323 Mr. Johnson. Thank you, Mr. Chairman. I appreciate you  
324 holding this markup today.

325 These bills before us will help provide relief to many small  
326 businesses and industries across the country, particularly those  
327 that have been, unfortunately, subjected to federal regulations  
328 that don't make a whole lot of sense.

329 For instance, the BRICK Act will simply allow for the  
330 consideration and completion of any judicial review regarding  
331 EPA's 2015 emissions standards for the brick and tile industries  
332 before requiring compliance with their new rules.

333 We don't want a repeat of the last time the EPA issued  
334 regulations for these industries where the industry was forced  
335 to comply, spend hundreds of millions of dollars, only to have  
336 the rule vacated by the courts soon thereafter.

337 Let us give the brick industry, the tile industry, and others  
338 who are affected by this rule some certainty and let's let them  
339 compete on a fair and level playing field in the global economy.

340 Let us not give history the chance to repeat itself and allow  
341 the courts to review the rule first. This bipartisan legislation  
342 does not set a dangerous precedent.

343 These industries find themselves in a very unique situation,  
344 something I think my friends across the aisle recognize.

345 Look, we understand the need to keep our air clean, to keep  
346 the water clean. Nobody understands that better than those of  
347 us who live in Appalachia and have to breathe the air and drink

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348 the water.

349 But this is just common sense, and with that in mind, I hope  
350 we can work together, Mr. Chairman, on a unique solution and I  
351 urge everyone to support this bill today.

352 Thank you, and I yield back.

353 Mr. Shimkus. Gentleman yields back his time.

354 The chair now recognizes the -- I believe the gentleman from  
355 California, Mr. Ruiz, was requesting time.

356 Mr. Ruiz. Yes. Thank you, Mr. Chairman.

357 Mr. Shimkus. Recognized for three minutes.

358 Mr. Ruiz. Thank you.

359 I have concerns that some of the bills we are marking up  
360 today would harm the public's health. Although it is important  
361 that we consider updates to the Clean Air, we must not undermine  
362 its core mission of protecting the air we breathe.

363 As -- you know, as an emergency physician I care deeply about  
364 the health of our communities and the public health hazards that  
365 increased air pollutants threaten.

366 I treated patients suffering from asthma attacks,  
367 respiratory infections, and even children with stunted lung  
368 development exacerbated by increased pollution in the air that  
369 we breathe.

370 But respiratory illnesses caused by air pollution are  
371 preventable through proper safeguards like those in the Clean  
372 Air Act.

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373 We should not be debating the delay of these logical  
374 protections so industries like coal can forego the cost of  
375 compliance and profit at the expense of the public's health.

376 Rural and underserved populations across our nation already  
377 struggle with health hazards that stem from environmental  
378 injustices such as increased asthma rates for the poor, air  
379 quality or lead poisoning from contaminated water sources.

380 Vulnerable communities should not be forced to bear the  
381 burden of the increased pollution that will result from delaying  
382 compliance with Clean Air Act regulations.

383 That is exactly why I recently introduced H.R. 4114, the  
384 Environmental Justice Act, which will require the consideration  
385 of cumulative environmental impacts on a community when applying  
386 for clean air permits.

387 We should not weaken the existing safeguards. Instead, we  
388 should be doing more to strengthen the lifesaving regulation that  
389 keep our air clean and safe for everyone to breathe.

390 Why are we rewarding the few companies that fail to invest  
391 in cleaner appliances or emission reduction at the expense of  
392 the public's health?

393 We need to support the common sense solutions because  
394 everyone, no matter where they live, their socioeconomic status,  
395 or their background deserves a safe and healthy environment to  
396 live, work, and play.

397 Lives are at stake if we continue to delay compliance with

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398 lifesaving Clean Air Act regulations. We cannot afford to  
399 continue dragging our feet. We must and can do more.

400 I hope that we can work together to protect our nation's  
401 health and ensure all cities across our nation have clean air.

402 And I yield back the balance of my time.

403 Mr. Shimkus. Gentleman yields back his time.

404 The chair looks to the majority side and recognizes the  
405 gentleman from North Carolina, Mr. Hudson, for three minutes.

406 Mr. Hudson. Thank you, Chairman Shimkus.

407 Thank you for holding this markup today. As we consider  
408 these important bills before us, I want to bring special attention  
409 to H.R. 350, the Recognizing the Protection of Motorsports, or  
410 the RPM, Act.

411 Across North Carolina there are 27,000 residents who are  
412 employed in motorsports-related jobs. My district is home of  
413 the motorsports racing industry and Charlotte Motor Speedway and  
414 I am proud to be their voice here in Washington.

415 In July 2015, the EPA issued a proposed regulation that would  
416 prohibit the conversion of emission-certified vehicles into race  
417 cars for competition. The proposed regulation also prevented  
418 the sale or use of emissions-related race parts for these modified  
419 vehicles.

420 This proposal violated the explicit intent of Congress in  
421 the last reauthorization of the Clean Air Act and sparked  
422 significant opposition from both members of Congress and the

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423 general public.

424           Fortunately, the EPA removed the provision from the final  
425 rule. Despite this public push back, the agency still has not  
426 abandoned its interpretation of the Clean Air Act and contends  
427 that it is illegal to sell legitimate racing parts for use in  
428 converted motor vehicles and that installation of these parts  
429 is an act of tampering.

430           And I heard the concerns of our ranking member today but  
431 I wish to reassure you, Mr. Chairman, this interpretation by the  
432 EPA directly conflicts with the original purpose of the Clean  
433 Air Act and Congress' repeated efforts to clarify that these  
434 standards were never intended to apply to vehicles modified for  
435 racing only.

436           I encourage my colleagues on both sides of the aisle to  
437 support this common sense legislation and with that, Mr. Chairman,  
438 I yield back.

439           Mr. Shimkus. Gentleman yields back his time.

440           The chair looks to the minority side. Seeing no one, wishing  
441 to speak -- oh, Doris -- Mr. Green.

442           Speak up there, Mr. Green. The chair recognizes Mr. Green  
443 from Texas for three minutes.

444           Mr. Green. Thank you, Mr. Chairman.

445           We are marking up four different bills today that in some  
446 way involve the Clean Air Act.

447           Unfortunately, I do not believe that the language of these

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448 bills is adequately supported on a bipartisan basis.

449 H.R. 1917, the Blocking Regulatory Interference from Closing  
450 Kilns -- BRICK -- Act delays the implementation of the final brick  
451 and structural clay products rule as well as the final clay  
452 ceramics manufacturing rule.

453 Many on this committee argue that the legislation is needed  
454 until all legal challenges are resolved in the courts. However,  
455 legal challenges to the EPA rules is nothing new and we haven't  
456 seen before and I don't think it merits -- meets the merit for  
457 legislative action to delay the rule.

458 H.R. 453, the Relief of New Source Performance Standards  
459 Act of 2017, delays the step two compliance date for three  
460 categories of wood-fueled heaters from 2020 to 2023.

461 This rule, finalized in March 2015, updates the standards  
462 that haven't been changed since 1988 and would result in emissions  
463 reductions as well already seen across many states who have  
464 adopted similar state level rules.

465 While I am sympathetic to those who own the stove standards  
466 that have not been updated in nearly 20 years simply don't meet  
467 the clean air standards of today.

468 H.R. 350, the Recognizing of Protection of Motorsports Act  
469 of 2017, modifies the regulation of emissions control systems  
470 on race cars and the parts that modify them.

471 Amateur racing has a proud history in our country and in  
472 my state. I know there is a multitude of fans in every state

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473 that has a vested interest in this.

474 I want to be clear. My no vote today on this bill is not  
475 against amateur racing. I worked with SEMA last Congress to pass  
476 legislation on low volume classic vehicles and I hope I can later  
477 support this bill as it makes its way through the committee  
478 process.

479 Right now, the bill is lacking language that would prohibit  
480 the driving of these vehicles on public roads after they are  
481 converted into race cars.

482 We have seen that a similar system works well in California  
483 but does not exist in all 50 states. It is my hope that the  
484 majority will begin to work on a bipartisan basis on this bill  
485 so we could pass this with a consensus on both sides.

486 Lastly, H.R. 1119, the Satisfying Energy Needs Savings  
487 Environmental Act -- SENSE -- we love our names in Congress --  
488 will provide special consideration under the EPA's cross-state  
489 air pollution rule for coal refuse plants.

490 It is my opinion that the bill removes economic incentives  
491 for coal refuse plants to reduce their pollution and is another  
492 attack on the progress we have made in reducing emissions in recent  
493 years and I do not support it.

494 And I yield back my time.

495 Mr. Shimkus. Gentleman yields back his time.

496 The chair now recognizes the gentleman from Georgia, Mr.  
497 Carter, for three minutes.

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498 Mr. Carter. Thank you, Mr. Chairman, and I want to start  
499 by thanking you and the committee for holding today's markup and  
500 allowing us to address a number of outstanding concerns impacting  
501 our nation's job creators.

502 In today's hearing, we will be examining four bills that  
503 will amend onerous regulations slowing job growth without any  
504 beneficial applications.

505 The Blocking Regulatory Interference from Closing Kilns,  
506 introduced by my friend, Bill Johnson, will help prevent the brick  
507 and clay industries from being subjected to these standards until  
508 a review of the rule is complete.

509 The Relief from New Source Performance Standards Act amends  
510 the compliant states for residential wood heaters, helping to  
511 ensure those remain available for people who need them.

512 The RPM Act will address regulations for recreational  
513 racing, recognizing the industry and defining the difference  
514 between those and performance automobiles.

515 The SENSE Act will amend the standards for coal refuse power  
516 plants, helping to ensure Americans get the power they need every  
517 day.

518 Mr. Chairman, today's hearings represent an opportunity for  
519 this committee to continue to address burdensome rules and  
520 regulations that are preventing industries in this country from  
521 growing due to technical concerns.

522 I thank my colleagues for their introduction of today's bills

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523 and I urge all my colleagues to support these efforts and help  
524 allow people to not only keep their jobs but to expand upon them  
525 as well.

526 Thank you, Mr. Chairman, and I yield back.

527 Mr. Shimkus. Gentleman yields back his time.

528 The chair looks to see if anyone else wishing to speak.

529 Seeing -- oh, I am sorry. Ms. Matsui, you are recognized  
530 for three minutes.

531 Ms. Matsui. Thank you, Mr. Chairman.

532 Mr. Chairman, I oppose the bills before us today. They will  
533 undermine the Clean Air Act provisions that have been proven to  
534 reduce pollution and emissions and improve public health.

535 In particular, I am concerned about the impacts of the Relief  
536 from New Source Performance Standards Act, the BRICK Act, and  
537 the SENSE Act.

538 My district in Sacramento sits in California's Central  
539 Valley, which traps both local pollution as well as ozone and  
540 particulate matter produced in other parts of the state.

541 The local governments in my district have worked hard to  
542 address air quality challenges because they understand that our  
543 children and grandchildren will live better lives if they clean  
544 up the air now.

545 In Sacramento, we face health risks associated with air  
546 pollution during every season of the year. In the summer, the  
547 cars, trucks, buses, and heavy equipment on our roads and in our

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548 fields make it hard to breathe and increase the risk of heart  
549 attacks. In the winter, the majority of air pollution comes from  
550 residential fireplaces and wood stoves.

551 That is why it is important that our local air quality  
552 district incentivizes the replacement of older inefficient wood  
553 stoves with cleaner models.

554 This is the type of forward-thinking progress we need to  
555 embrace. But the bills before us today are not forward-thinking.

556

557 This legislation would ultimately make the air my  
558 constituents breathe dirtier, effectively reversing some of the  
559 progress we have made with the Clean Air Act.

560 That moves us in the wrong direction at a time when we need  
561 to be working together to fight our changing climate for future  
562 generations.

563 Thank you, Mr. Chairman. I yield back the balance of my  
564 time.

565 Mr. Shimkus. The gentlelady yields back her time.

566 The chair is looking on both sides. Seeing no one, the chair  
567 then calls up H.R. 1917 and asks the clerk to report.

568 [The Bill H.R. 1917 follows:]

569

570 \*\*\*\*\*INSERT 1\*\*\*\*\*

571           The Clerk. H.R. 1917 -- to allow for judicial review of  
572 any final rule addressing national emission standards for  
573 hazardous air pollutants for brick and structural clay products  
574 or for clay ceramics manufacturing before require compliance with  
575 such rule.

576           Mr. Shimkus. Without objection, the first reading of the  
577 bill is dispensed with and the bill will be open for amendment  
578 at any point. So ordered.

579           Are there any bipartisan amendments to the bill?

580           Are there any other amendments?

581           The question --

582           Mr. Tonko. Mr. Chair?

583           Mr. Shimkus. The gentleman from New York.

584           Mr. Tonko. I move to strike the last word.

585           Mr. Shimkus. Gentleman is recognized for five minutes.

586           Mr. Tonko. Thank you, Mr. Chair.

587           The BRICK Act would delay implementation of the EPA's brick  
588 and structural clay products rule until all legal challenges are  
589 resolved.

590           Delaying this standard will continue to delay the health  
591 protections that it provides. But just as troubling, this bill  
592 incentivizes frivolous litigation to delay compliance.

593           The Clean Air Act allows for delays of implementation of  
594 rules if litigants can provide good reasons, and judges have  
595 issued stays in the past.

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596 At this point as far as I am aware, no one had petitioned  
597 the court to stay the BRICK rule. Let's not insert Congress into  
598 a situation which can and should be resolved by the courts.

599 On top of that, I believe this bill creates a bad precedent  
600 that could be applied to other standards, and with that I urge  
601 members to oppose the bill.

602 And, Mr. Chair, I yield back.

603 Mr. Shimkus. The gentleman yields back his time.

604 The chair recognizes the gentleman from New Jersey. For  
605 what purpose?

606 Mr. Pallone. Move to strike the last word, Mr. Chairman.

607 Mr. Shimkus. The gentleman is recognized for five minutes.

608 Mr. Pallone. Mr. Chairman, my Republican colleagues, in  
609 describing the need for this bill, say that it is necessary in  
610 order to delay the EPA's brick and clay MACT act until all judicial  
611 review has been completed.

612 But that is completely false. The courts already have the  
613 ability to issue a stay of any compliance dates in a final rule  
614 as necessary to protect the public interest.

615 That is their job and we should let them do it. We all know  
616 there have already been challenges filed regarding this final  
617 rule.

618 It will be up to the D.C. Circuit when they review these  
619 challenges to decide whether to stay the rule.

620 Well-established legal factors exist for granting a stay.

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621       These factors take into account whether there is a likelihood  
622 of success on the merits, the prospect of irreparable harm to  
623 the moving party and other parties, and most importantly, whether  
624 granting the stay is in the public interest.

625           The courts have used these factors time and again to  
626 determine whether to grant a stay and for how long. So there  
627 is no reason for Congress to override this process and the judgment  
628 of the court.

629           I really think before we rashly conclude on behalf of the  
630 D.C. Circuit that the compliance deadlines for BRICK MACT final  
631 rule should be extended, we should let them take a look at the  
632 final rule.

633           And, ultimately, if a stay is necessary, the court can grant  
634 it, not the Congress, and I yield back.

635           Mr. Shimkus. Gentleman yields back his time.

636           Anyone seek time? The chair recognizes the gentleman from  
637 Ohio for what purpose?

638           Mr. Johnson. Move to strike the last word.

639           Mr. Shimkus. Gentleman is recognized for five minutes.

640           Mr. Johnson. Mr. Chairman, you know, what we are trying  
641 to do here with the BRICK Act is just simply apply common sense.

642           Many of these -- many of these tile and brick manufacturing  
643 companies are the lifeblood of the communities in which they do  
644 business. They are the major job employers or the job creators  
645 for those areas.

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646 And we got to look back and remember what happened several  
647 years ago. A 2003 rule, later vacated by a federal court, has  
648 already reduced emissions by up to 95 percent and that's according  
649 to a Chamber of Commerce study.

650 The EPA has estimated that the new BRICK MACT rule would  
651 reduce further emissions of mercury by only 147 pounds per year.

652  
653 That is nearly a hundred times less than the agency estimates  
654 will be reduced from power plants and fine particular matter  
655 emissions are about 500 times less than those emitted from fast  
656 food restaurants, according to the U.S. Chamber.

657 This rule, if it goes into effect the way it is, and if we  
658 don't give the courts an opportunity to take a look at it before  
659 we make -- before the administration or before the agency makes  
660 any more moves, it is going to have devastating financial impacts  
661 on a business sector of our -- of our economy that cannot afford  
662 another false move or another rule rollback that they are not  
663 going to be able to get recovery from.

664 So, again, Mr. Chairman, we are just trying to apply some  
665 common sense here and let the courts have their day in court to  
666 determine whether or not this rule should go forward or not.

667 So with that, I yield back.

668 Mr. Shimkus. Gentleman yields back his time.

669 Anyone seeking time? Seeing none, the question now occurs  
670 on forwarding H.R. 1917 to the full committee.

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671 All those in favor, say aye.  
672 Those no.  
673 Mr. Tonko. Mr. Chair, request a roll call vote.  
674 Mr. Shimkus. Roll call vote has been requested. The clerk  
675 will -- request a roll call vote.  
676 The Clerk. Mr. McKinley?  
677 Mr. McKinley. Aye.  
678 The Clerk. Mr. McKinley votes aye.  
679 Mr. Barton?  
680 Mr. Barton. Aye.  
681 The Clerk. Mr. Barton votes aye.  
682 Mrs. Blackburn?  
683 [No response.]  
684 Mr. Harper?  
685 [No response.]  
686 Mr. Olson?  
687 Mr. Olson. Aye.  
688 The Clerk. Mr. Olson votes aye.  
689 Mr. Johnson?  
690 Mr. Johnson. Aye.  
691 The Clerk. Mr. Johnson votes aye.  
692 Mr. Flores?  
693 Mr. Flores. Aye.  
694 The Clerk. Mr. Flores votes aye.  
695 Mr. Hudson?

696 Mr. Hudson. Aye.

697 The Clerk. Mr. Hudson votes aye.

698 Mr. Cramer?

699 Mr. Cramer. Aye.

700 The Clerk. Mr. Cramer votes aye.

701 Mr. Walberg?

702 [No response.]

703 Mr. Carter?

704 Mr. Carter. Aye.

705 The Clerk. Mr. Carter votes aye.

706 Chairman Walden?

707 The Chairman. Aye.

708 The Clerk. Chairman Walden votes aye.

709 Mr. Tonko?

710 Mr. Tonko. No.

711 The Clerk. Mr. Tonko votes no.

712 Mr. Ruiz?

713 Mr. Ruiz. No.

714 The Clerk. Mr. Ruiz votes no.

715 Mr. Peters?

716 Mr. Peters. No.

717 The Clerk. Mr. Peters votes no.

718 Mr. Green?

719 Mr. Green. No.

720 The Clerk. Mr. Green votes no.

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721 Ms. DeGette?

722 Ms. DeGette. No.

723 The Clerk. Ms. DeGette votes no.

724 Mr. McNerney?

725 Mr. McNerney. No.

726 The Clerk. Mr. McNerney votes no.

727 Mr. Cardenas?

728 Mr. Cardenas. No.

729 The Clerk. Mr. Cardenas votes no.

730 Mrs. Dingell?

731 Mrs. Dingell. No.

732 The Clerk. Mrs. Dingell votes no.

733 Ms. Matsui?

734 Ms. Matsui. No.

735 The Clerk. Ms. Matsui votes no.

736 Mr. Pallone?

737 Mr. Pallone. No.

738 The Clerk. Mr. Pallone votes no.

739 Chairman Shimkus?

740 Mr. Shimkus. Shimkus votes yes.

741 The Clerk. Chairman Shimkus votes yes.

742 Mrs. Blackburn?

743 Mrs. Blackburn. Aye.

744 The Clerk. Mrs. Blackburn votes aye.

745 Mr. Walberg?

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746 Mr. Walberg. Aye.

747 The Clerk. Mr. Walberg votes aye.

748 Mr. Shimkus. Is everyone recorded?

749 The clerk will report.

750 The Clerk. Mr. Chairman, on that vote the ayes were 12 and  
751 the nays were 10.

752 Mr. Shimkus. The ayes are 12. The nays are 10.

753 The bill is passed.

754 Without objection, the motion to reconsider is laid on the  
755 table.

756 I am guessing all the stuff here.

757 Chair now calls up H.R. 453 and asks the clerk to report.

758 [The Bill H.R. 453 follows:]

759

760 \*\*\*\*\*INSERT 2\*\*\*\*\*

761           The Clerk. H.R. 453 -- to deem the step two compliance date  
762 for standards of performance for new residential wood heaters,  
763 new residential hydronic heaters, and forced air furnaces to be  
764 May 15, 2023.

765           Mr. Shimkus. Without objection, the first reading of the  
766 bill is dispensed with and the bill will be open for amendment  
767 at any point. So ordered.

768           Are there any bipartisan amendments to the bill?

769           Seeing none, are there any other amendments?

770           Is there further discussion on the bill before us?

771           Seeing none, the question now occurs on forwarding H.R. 53  
772 as -- no, 453 to the full committee.

773           All those in favor, say aye.

774           Those opposed?

775           Mr. Tonko. Mr. Chair, I ask for a recorded vote, please.

776           Mr. Shimkus. The gentleman requests a recorded vote.

777           Will the clerk call the roll?

778           The Clerk. Mr. McKinley?

779           Mr. McKinley. Aye.

780           The Clerk. Mr. McKinley votes aye.

781           Mr. Barton?

782           Mr. Barton. Aye.

783           The Clerk. Mr. Barton votes aye.

784           Mrs. Blackburn?

785           Mrs. Blackburn. Aye.

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786 The Clerk. Mrs. Blackburn votes aye.  
787 Mr. Harper?  
788 [No response.]  
789 Mr. Olson?  
790 Mr. Olson. Aye.  
791 The Clerk. Mr. Olson votes aye.  
792 Mr. Johnson?  
793 Mr. Johnson. Aye.  
794 The Clerk. Mr. Johnson votes aye.  
795 Mr. Flores?  
796 Mr. Flores. Aye.  
797 The Clerk. Mr. Flores votes aye.  
798 Mr. Hudson?  
799 Mr. Hudson. Aye.  
800 The Clerk. Mr. Hudson votes aye.  
801 Mr. Cramer?  
802 Mr. Cramer. Aye.  
803 The Clerk. Mr. Cramer votes aye.  
804 Mr. Walberg?  
805 Mr. Walberg. Aye.  
806 The Clerk. Mr. Walberg votes aye.  
807 Mr. Carter?  
808 Mr. Carter. Aye.  
809 The Clerk. Mr. Carter votes aye.  
810 Chairman Walden?

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811 The Chairman. Aye.

812 The Clerk. Chairman Walden votes aye.

813 Mr. Tonko?

814 Mr. Tonko. No.

815 The Clerk. Mr. Tonko votes no.

816 Mr. Ruiz?

817 Mr. Ruiz. No.

818 The Clerk. Mr. Ruiz votes no.

819 Mr. Peters?

820 Mr. Peters. No.

821 The Clerk. Mr. Peters votes no.

822 Mr. Green?

823 Mr. Green. No.

824 The Clerk. Mr. Green votes no.

825 Ms. DeGette?

826 Ms. DeGette. No.

827 The Clerk. Ms. DeGette votes no.

828 Mr. McNerney?

829 Mr. McNerney. No.

830 The Clerk. Mr. McNerney votes no.

831 Mr. Cardenas?

832 Mr. Cardenas. No.

833 The Clerk. Mr. Cardenas votes no.

834 Mrs. Dingell?

835 Mrs. Dingell. No.

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836 The Clerk. Mrs. Dingell votes no.  
837 Ms. Matsui?  
838 Ms. Matsui. No.  
839 The Clerk. Ms. Matsui votes no.  
840 Mr. Pallone?  
841 Mr. Pallone. No.  
842 The Clerk. Mr. Pallone votes no.  
843 Chairman Shimkus?  
844 Mr. Shimkus. Chairman Shimkus votes aye.  
845 The Clerk. Chairman Shimkus votes aye.  
846 Mr. Shimkus. Anyone else wishing to record their vote?  
847 Clerk will report.  
848 The Clerk. Mr. Chairman, on that vote the ayes were 12 and  
849 the nays were 10.  
850 Mr. Shimkus. Ayes are 12. The nays are 10.  
851 The ayes appear -- the ayes have it. The bill is agreed  
852 to.  
853 The chair calls up H.R. 350 and asks the clerk to report.  
854 [The Bill H.R. 350 follows:]  
855  
856 \*\*\*\*\*INSERT 3\*\*\*\*\*

857           The Clerk. H.R. 350 -- to exclude vehicles used solely for  
858 competition from certain provisions of the Clean Air Act and for  
859 other purposes.

860           Mr. Shimkus. Without objection, the first reading of the  
861 bill is dispensed with and the bill will be open for amendment  
862 at any point. So ordered.

863           Are there any bipartisan amendments to the bill?

864           Seeing none, are there any other amendments?

865           For what purpose does the gentlelady from Michigan rise and  
866 seek recognition?

867           Mrs. Dingell. To strike the last word.

868           Mr. Shimkus. Gentlelady is recognized for five minutes.

869           Mrs. Dingell. Thank you, Mr. Chairman.

870           I rise in very reluctant opposition to H.R. 350 because I  
871 am a car girl, and while I support the goals of the bill, I fear  
872 it is drafted too broadly and could have some unintended  
873 consequences moving forward.

874           I understand what the authors of the legislation are trying  
875 to accomplish. Like you, I love my afternoons at the Michigan  
876 International Speedway and I go a lot with my friends.

877           I come from the home of the auto industry where cars are  
878 a way of life, and a lot of my constituents and people I went  
879 to school with are amateur racers and we are still racing at this  
880 age.

881           Okay. I don't do it anymore. But I am afraid the bill goes

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882 too far and could have unintended consequences on EPA's ability  
883 to crack down on the bad actors.

884 I would respectfully request we work together to pursue a  
885 simple targeted change to ensure that vehicle conversions are  
886 legal as long as they are on the tracks and are not permitted  
887 on public roads.

888 I am worried that the bill we are considering today is a  
889 bit broader than that and I fear it could have a negative impact  
890 on EPA's ability to enforce the law by people who do not have  
891 the best of intentions at heart.

892 Mr. Chairman, I want to protect the amateur racers that I  
893 know and love, that I know are in North Carolina, too, but not  
894 allow people who want to modify them for other reasons, and we  
895 know they are out there, too.

896 So, Mr. Chairman, would you be willing to work with me to  
897 address some of the concerns that I have raised about the bill  
898 before it goes to full committee markup? Because I do think we  
899 can get there and I do support the goals of the bill.

900 And I yield to you.

901 Mr. Shimkus. Thank you to the gentlelady. We always are  
902 looking forward to be constructive as we move forward. So the  
903 answer is yes.

904 But before and -- but I can't commit to what that might be.

905 I would want to make sure we call in, obviously, the sponsor  
906 of the bill, Mr. Hudson, too and I will yield to him if he wants

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907 to make any comments.

908 Mr. Hudson. Thank you, Mr. Chairman. I appreciate that  
909 and I appreciate the spirit with which the gentlelady brings up  
910 these concerns.

911 You know, all that the 1970 Clean Air Act left unclear --  
912 whether motor vehicles could be modified for racing -- the agency  
913 has never taken enforcement action against anyone for doing so.

914 In 2015, the EPA suggested that their hands-off policy may  
915 be coming to an end. The RPM Act would create an explicit  
916 exemption of the Clean Air Act's anti-tampering provisions done  
917 for the purpose of modifying the motor vehicles solely for the  
918 use in competition.

919 The RPM Act would also redefine the Clean Air Act's  
920 definition of motor vehicle to exclude vehicles used solely for  
921 competition. So, again, we tried to address the concerns the  
922 gentlelady expressed.

923 But, obviously, I am willing to work with the gentlelady  
924 to see if we could get to a point where we can come together and  
925 I appreciate her willingness to let us move forward today.

926 Mrs. Dingell. And I would really -- I am going to vote no  
927 today with the hopes we can work so we get to a yes at full  
928 committee.

929 I have talked to many of those same people and I think there  
930 is a place we can get working together, I hope.

931 Thanks. Thank you.

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932 Mr. Tonko. Mr. Chair, I move --

933 Mr. Shimkus. And the gentlelady yields back her time.

934 Mrs. Dingell. Could I yield to my colleague?

935 Mr. Shimkus. You could. You have a minute.

936 Mrs. Dingell. I yield to Mr. --

937 Mr. Cardenas. Thank you. I agree with much of what my  
938 colleague said, although I never raced. But I think it is  
939 important for us to come together on this, and I agree with her  
940 sentiment. And thank you for your commitment as the author of  
941 the bill, and also the chairman to work with us as many of us  
942 on this side of the aisle so we can come to the point where we  
943 could actually vote for the bill.

944 I was looking forward to voting for a bill that would be  
945 a bit tighter than this but appropriate. So, hopefully, we can  
946 come together and work on it so that by the time it gets to the  
947 full floor of the House we could actually all vote for this and  
948 we can move forward.

949 Thank you very much. I yield back to the gentlelady.

950 Mrs. Dingell. Thank you very much.

951 I have to go to the Michigan International Speedway. I got  
952 to be able to look them in the face. So I hope we can get it  
953 resolved.

954 Thank you. I now yield back.

955 Mr. Shimkus. Gentlelady yields back her time.

956 Mr. Tonko. Mr. Chair, I move to strike the last word.

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957 Mr. Shimkus. The gentleman is recognized for five minutes.

958 Mr. Tonko. Thank you, Mr. Chair.

959 Just briefly, I add my voice to those who are concerned that  
960 the measure is drafted too broadly. I understand the intent here  
961 but I think that this bill, as drafted, would block EPA from using  
962 its one course of action to prevent the proliferation of defeat  
963 devices. That is going after manufacturers.

964 So if I am hearing the commitment here to move forward, I  
965 would appreciate our efforts to continue to negotiate on this  
966 to make certain it is drafted appropriately.

967 I, too, plan to vote no with the hopes that we will further  
968 amend.

969 With that, I yield back.

970 Mr. Shimkus. Gentleman yields back his time. The chair  
971 appreciates the comments and hopefully we can be helpful.

972 The gentleman from California.

973 Mr. Ruiz. Yes, I move to strike the last word.

974 Mr. Shimkus. Gentleman is recognized for five minutes.

975 Mr. Ruiz. Listen. You know, I appreciate Representative  
976 Dingell's experience. I have experience in race car as well.

977 My dad was actually a race car driver. He was an amateur race  
978 car driver. Raced modified midgets. Believe it or not, he had  
979 me hold the flashlight at night until 11:00, 12:00 a.m. while  
980 he fixed his engine.

981 And so I understand that culture, the industry. I am a fan

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982 of racing as well. I believe that this bill is sending a clear  
983 message to industry and to race car drivers saying that if you  
984 modify your car you can only use your car in the race track and  
985 I think that that is an important first step.

986 The second step that we need is, clearly, to address a problem  
987 that we have already with or without the bill, which is enforcing  
988 the Clean Air Act and that is what this bill lacks.

989 And that is specifically what people on this side of the  
990 aisle would like to see addressed with the improvement of this  
991 bill.

992 There has been some talk before this hearing with the ranking  
993 member and Representative Hudson and the good will of coming  
994 together and adding some enforceable strength and muscle to this  
995 bill.

996 This is a trust issue. This is about being able to work  
997 in good faith and making public statements saying that you will  
998 be willing to change this bill in order to add the teeth that  
999 we need.

1000 I am going to support the bill but specifically with looking  
1001 at you in the eye, knowing that you are going to make a strong  
1002 commitment to help us be able to enforce the Clean Air Act to  
1003 ensure that step two for this clear statement is made.

1004 You got that?

1005 Mr. Shimkus. Would the gentleman yield?

1006 Mr. Ruiz. Sure.

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1007 Mr. Shimkus. Let us say that we are willing to talk. Every  
1008 state has a different way of compliance. We know that we can  
1009 move the bill. We would rather move it with you but we want to  
1010 make sure not to make such strong commitments that causes us not  
1011 to be on board.

1012 Mr. Ruiz. Well, I will tell you -- I will tell you what,  
1013 because, you know, I would like you to help your cause right now,  
1014 Mr. Chairman.

1015 I would like you and Representative Hudson to commit, truly,  
1016 to sit down with us and help us address the enforcement aspect  
1017 that is lacking in this bill so that we have the two-prong  
1018 protection approach.

1019 The first is specifically send a clear message to industry  
1020 and amateur drivers that if they -- if they change and they use  
1021 their cars to race that it's off limits on the road. That is  
1022 something that we can agree with.

1023 But two is that we close a potential loophole which will  
1024 add enforcement protections so that we can truly keep those cars  
1025 off the road.

1026 Will we have those discussions?

1027 Mr. Shimkus. Will the gentleman yield?

1028 Mr. Ruiz. Absolutely.

1029 Mr. Shimkus. We are happy to have discussions in a  
1030 bipartisan manner to see if we can get to a common ground where  
1031 we all move forward.

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1032 I don't want to commit our side into any strength of statement  
1033 today but I think we can talk. I think everyone has a position  
1034 that we want our race car drivers to be able to race. We want  
1035 them to be able to modify. We understand that it is illegal to  
1036 use it on streets.

1037 But we are not really the party that really wants to ramp  
1038 up an EPA regulatory regime that grows, right?

1039 Mr. Ruiz. Well, I am going to claim back my time, if that  
1040 is okay with you, sir.

1041 Mr. Shimkus. Yes, sir.

1042 Mr. Ruiz. So I can tell you that in the way you handle these  
1043 negotiations in good faith and whether or not there is going to  
1044 be some enforcement, you are going to gain some votes, you are  
1045 going to lose some votes when it really matters and that is going  
1046 to be on the House floor.

1047 And then if you don't get some bipartisan support then it  
1048 could very well fail in the Senate and this will never see the  
1049 light of day.

1050 And so I am trying to help create a bipartisan support so  
1051 that you can get more votes on the floor because my vote isn't  
1052 guaranteed on the House floor if these provisions aren't inserted.

1053 Mr. Shimkus. Would the gentleman yield?

1054 Mr. Ruiz. You have all the time.

1055 Mr. Shimkus. As a wise old -- as a wise old member of this  
1056 committee once told me, if we want a bill to become law we have

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1057 to work together and we have been able to do that successfully.

1058 But I can't commit that we are always successful. I can  
1059 commit that we will try.

1060 Mr. Ruiz. Well, you got to give us a little more confidence.

1061 [Laughter.]

1062 Thank you. Thank you. I yield back my time.

1063 Mr. Shimkus. Okay. Gentleman yields back his time.

1064 Anyone else seeking time?

1065 Chair recognizes the gentleman from Colorado.

1066 Ms. DeGette. Thank you. I yield my time to Mrs. Dingell.

1067 Mrs. Dingell. I just wanted to clarify in that  
1068 conversation, I think we are more worried about people who are  
1069 modifying their vehicles not to race but then to go out on the  
1070 road.

1071 And I know that you are committed to getting that fixed and  
1072 having talked to multiple stakeholders in this over the last few  
1073 days I am hopeful that there is something that we can agree with  
1074 and we are able to make sure people can race cars but aren't going  
1075 to have people modifying their vehicles for other reasons out  
1076 on the road.

1077 We don't see more Volkswagens. Others are raising the kinds  
1078 of questions that we have, unfortunately, seen of OEMs modifying  
1079 vehicles and getting potentially -- so I am hopeful there is quick  
1080 easy ground for us to all come to agreement on.

1081 Mr. Shimkus. Gentlelady yield?

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1082 Mrs. Dingell. I will.

1083 Mr. Shimkus. I agree.

1084 Mrs. Dingell. I yield back.

1085 Mr. Shimkus. Gentlelady yields back her time.

1086 The question now -- seeing no one else wishing to speak,  
1087 the question now occurs on forwarding H.R. 350 to the full  
1088 committee.

1089 All those in favor, say aye.

1090 Those opposed, no.

1091 Mr. Tonko. Roll call?

1092 Mr. Shimkus. The gentleman from New York requests a roll  
1093 call. Will the clerk report -- will call the roll?

1094 The Clerk. Mr. McKinley?

1095 Mr. McKinley. Aye.

1096 The Clerk. Mr. McKinley votes aye.

1097 Mr. Barton?

1098 [No response.]

1099 The Clerk. Mrs. Blackburn?

1100 Mrs. Blackburn. Aye.

1101 The Clerk. Mrs. Blackburn votes aye.

1102 Mr. Harper?

1103 Mr. Harper. Aye.

1104 The Clerk. Mr. Harper votes aye.

1105 Mr. Olson?

1106 Mr. Olson. Aye.

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1107 The Clerk. Mr. Olson votes aye.  
1108 Mr. Johnson?  
1109 Mr. Johnson. Aye.  
1110 The Clerk. Mr. Johnson votes aye.  
1111 Mr. Flores?  
1112 Mr. Flores. Aye.  
1113 The Clerk. Mr. Flores votes aye.  
1114 Mr. Hudson?  
1115 Mr. Hudson. Aye.  
1116 The Clerk. Mr. Hudson votes aye.  
1117 Mr. Cramer?  
1118 Mr. Cramer. Aye.  
1119 The Clerk. Mr. Cramer votes aye.  
1120 Mr. Walberg?  
1121 Mr. Walberg. Aye.  
1122 The Clerk. Mr. Walberg votes aye.  
1123 Mr. Carter?  
1124 Mr. Carter. Aye.  
1125 The Clerk. Mr. Carter votes aye.  
1126 Chairman Walden?  
1127 The Chairman. Aye.  
1128 The Clerk. Chairman Walden votes aye.  
1129 Mr. Tonko?  
1130 Mr. Tonko. No.  
1131 The Clerk. Mr. Tonko votes no.

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1132 Mr. Ruiz?  
1133 Mr. Ruiz. Aye.  
1134 The Clerk. Mr. Ruiz votes aye.  
1135 Mr. Peters?  
1136 Mr. Peters. No.  
1137 The Clerk. Mr. Peters votes no.  
1138 Mr. Green?  
1139 Mr. Green. No.  
1140 The Clerk. Mr. Green votes no.  
1141 Ms. DeGette?  
1142 Ms. DeGette. No.  
1143 The Clerk. Ms. DeGette votes no.  
1144 Mr. McNerney?  
1145 Mr. McNerney. No.  
1146 The Clerk. Mr. McNerney votes no.  
1147 Mr. Cardenas?  
1148 Mr. Cardenas. No.  
1149 The Clerk. Mr. Cardenas votes no.  
1150 Mrs. Dingell?  
1151 Mrs. Dingell. No.  
1152 The Clerk. Mrs. Dingell votes no.  
1153 Ms. Matsui?  
1154 Ms. Matsui. No.  
1155 The Clerk. Ms. Matsui votes no.  
1156 Mr. Pallone?

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1157 Mr. Pallone. No.

1158 The Clerk. Mr. Pallone votes no.

1159 Chairman Shimkus?

1160 Mr. Shimkus. Yes.

1161 The Clerk. Chairman Shimkus votes aye.

1162 Mr. Shimkus. Anyone else wishing to be recorded?

1163 If not, the clerk will report.

1164 The Clerk. Mr. Chairman, on that vote the ayes were 13 and

1165 the nays were nine.

1166 Mr. Shimkus. The ayes 13, the nays are nine.

1167 The ayes have it and the bill is agreed to.

1168 The chair calls up H.R. 1119 and asks the clerk to report.

1169 [The Bill H.R. 1119 follows:]

1170

1171 \*\*\*\*\*INSERT 4\*\*\*\*\*



1172           The Clerk. H.R. 1119 -- to establish the basis by which  
1173 the administrator of the Environmental Protection Agency shall  
1174 issue, implement, and enforce certain emission limitations and  
1175 allocations for existing electric utility steam-generating units  
1176 that convert coal refuse into energy.

1177           Mr. Shimkus. Without objection, the first reading of the  
1178 bill is dispensed with and the bill would be open for amendment  
1179 at any point. So ordered.

1180           The chair recognizes himself to offer an amendment in the  
1181 nature of a substitute and the clerk will report the amendment.

1182           The Clerk. Amendment in the nature of a substitute to H.R.  
1183 1119 offered by Mr. Shimkus.

1184           [The Amendment offered by Mr. Shimkus follows:]

1185

1186 \*\*\*\*\*INSERT 5\*\*\*\*\*

1187 Mr. Shimkus. Without objection, the reading of the  
1188 amendment is dispensed with and the chair is -- recognize myself  
1189 for five minutes in support of the amendment.

1190 The amendment in the nature of a substitute addresses  
1191 concerns raised by our friends on the other side of the aisle  
1192 over the cross-state air pollution rule -- CSAPR -- provisions  
1193 in the original bill.

1194 On the floor last year, two amendments were offered -- one  
1195 to remove those provisions and another to allow states to opt  
1196 out of those provisions.

1197 This amendment took the first approach and removed all  
1198 references to CSAPR. So the amendment in the nature of a  
1199 substitute will only address the mercury air toxic standards --  
1200 MATS -- while all coal refuse-fired plans can meet the mercury  
1201 standard under MATS. Some cannot meet the MATS hydrogen chloride  
1202 standard, providing an alternative compliance mechanism that  
1203 these specialized facilities can meet.

1204 This amendment will facilitate the beneficial cleanup of  
1205 coal refuse sites while allowing that refuse to be utilized in  
1206 power generation.

1207 I hope with this change our colleagues can support this bill,  
1208 and with that are there any bipartisan amendments to the  
1209 amendment?

1210 Are there any other amendments?

1211 If there are no further discussions, the vote occurs on the

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1212 amendment in the nature of a substitute.

1213 All those in favor shall signify by saying aye.

1214 Those opposed, no.

1215 In the opinion of the chair, the ayes have it.

1216 The ayes have it and the amendment in the nature of a  
1217 substitute is agreed to.

1218 The question now occurs -- are there any other amendments  
1219 to the bill?

1220 The question now occurs on forwarding H.R. 1119 as amended  
1221 to the full committee.

1222 All those in favor, say aye.

1223 Mr. Tonko. Mr. Chair. Mr. Chair.

1224 Mr. Shimkus. Those opposed, no.

1225 The chair --

1226 Mr. Tonko. I request a roll call.

1227 Mr. Shimkus. The gentleman from New York requests a roll  
1228 call. Clerk will report -- will call the roll.

1229 The Clerk. Mr. McKinley?

1230 Mr. McKinley. Aye.

1231 The Clerk. Mr. McKinley votes aye.

1232 Mr. Barton?

1233 Mr. Barton. Aye.

1234 The Clerk. Mr. Barton votes aye.

1235 Mrs. Blackburn?

1236 Mrs. Blackburn. Aye.

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1237 The Clerk. Mrs. Blackburn votes aye.  
1238 Mr. Harper?  
1239 Mr. Harper. Aye.  
1240 The Clerk. Mr. Harper votes aye.  
1241 Mr. Olson?  
1242 Mr. Olson. Aye.  
1243 The Clerk. Mr. Olson votes aye.  
1244 Mr. Johnson?  
1245 Mr. Johnson. Aye.  
1246 The Clerk. Mr. Johnson votes aye.  
1247 Mr. Flores?  
1248 Mr. Flores. Aye.  
1249 The Clerk. Mr. Flores votes aye.  
1250 Mr. Hudson?  
1251 Mr. Hudson. Aye.  
1252 The Clerk. Mr. Hudson votes aye.  
1253 Mr. Cramer?  
1254 Mr. Cramer. Aye.  
1255 The Clerk. Mr. Cramer votes aye.  
1256 Mr. Walberg?  
1257 Mr. Walberg. Aye.  
1258 The Clerk. Mr. Walberg votes aye.  
1259 Mr. Carter?  
1260 Mr. Carter. Aye.  
1261 The Clerk. Mr. Carter votes aye.

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1262 Chairman Walden?

1263 The Chairman. Aye.

1264 The Clerk. Chairman Walden votes aye.

1265 Mr. Tonko?

1266 Mr. Tonko. No.

1267 The Clerk. Mr. Tonko votes no.

1268 Mr. Ruiz?

1269 Mr. Ruiz. No.

1270 The Clerk. Mr. Ruiz votes no.

1271 Mr. Peters?

1272 Mr. Peters. No.

1273 The Clerk. Mr. Peters votes no.

1274 Mr. Green?

1275 Mr. Green. No.

1276 The Clerk. Mr. Green votes no.

1277 Ms. DeGette?

1278 Ms. DeGette. No.

1279 The Clerk. Ms. DeGette votes no.

1280 Mr. McNerney?

1281 Mr. McNerney. No.

1282 The Clerk. Mr. McNerney votes no.

1283 Mr. Cardenas?

1284 Mr. Cardenas. No.

1285 The Clerk. Mr. Cardenas votes no.

1286 Mrs. Dingell?

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1287 Mrs. Dingell. No.

1288 The Clerk. Mrs. Dingell votes no.

1289 Ms. Matsui?

1290 Ms. Matsui. No.

1291 The Clerk. Ms. Matsui votes no.

1292 Mr. Pallone?

1293 Mr. Pallone. No.

1294 The Clerk. Mr. Pallone votes no.

1295 Chairman Shimkus?

1296 Mr. Shimkus. Aye.

1297 The Clerk. Chairman Shimkus votes aye.

1298 Mr. Shimkus. Anyone else wishing to record their vote?

1299 Seeing none, the clerk will report.

1300 The Clerk. Mr. Chairman, on that vote the ayes were 13 and

1301 the nays were 10.

1302 Mr. Shimkus. Ayes are 13. The nays are 10.

1303 The ayes have it. The bill is agreed to.

1304 Without objection, staff is authorized to make conforming

1305 changes to the legislation approved by the subcommittee today.

1306 So ordered.

1307 Without objection, the subcommittee stands adjourned.

1308 [Whereupon, at 11:01 a.m., the committee was adjourned.]

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