



COMMITTEE ON
ENERGY & COMMERCE
DEMOCRATS
RANKING MEMBER FRANK PALLONE, JR.

FOR IMMEDIATE RELEASE
May 16, 2018

CONTACT
[CJ Young](#) – (202) 225-5735

Pallone Remarks at New Source Review Legislative Hearing

Washington, D.C. – *Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) delivered the following opening remarks today at a Subcommittee on the Environment Hearing on “Legislation Addressing New Source Review Permitting Reform:”*

We are here this morning to discuss draft legislation to amend the New Source Review (NSR) permitting program of the Clean Air Act. I am pleased that Paul Baldauf, the Assistant Commissioner for Air Quality, Energy, and Sustainability at New Jersey’s Department of Environmental Protection, is here as a witness..

The NSR program has existed since the 1970s, but it has not been as effective in reducing air pollution as Congress hoped. Lax enforcement and the ability to exploit legal loopholes have allowed old facilities to game the system. Too often these facilities have been able to, avoid installing modern pollution controls which has left neighboring communities exposed to tons of dangerous pollution. These pollution problems are not only local -- they also impact down-wind states like New Jersey. With all the pollution control technology development over the past 40 years, there is no reason for any facility to operate without modern pollution control equipment.

The ultimate test for any legislation to reform the NSR program is simply this: will it reduce air pollution? By that test, this bill fails. There is no doubt this bill will increase pollution. Republicans are simply resurrecting previously rejected ideas promoted during the Bush Administration by two of today’s witnesses: Assistant Administrator Wehrum and Mr. Holmstead. Together, they have worked for years to undermine the NSR program. When we enacted the NSR program, Congress recognized that existing facilities would need time to plan for and install pollution controls. That is why existing facilities were required to install new equipment when undergoing capital improvements, expansions, and life-extending renovations. But industries have spent years employing legions of attorneys, with the sole mission of creating carve-outs in the NSR program for their clients, just to avoid controlling their pollution.

So what happened? We ended up with the situation Congress tried to avoid: new facilities disadvantaged to the benefit of old, polluting ones that have remained around well past their design life.

The proponents of this bill claim it will fix this problem. It will not. Without a firm requirement that facilities reduce the levels of all the dangerous pollution they emit, they simply will be allowed to pollute more. That's what the language in the bill on "maximum achievable hourly emission rate" is all about.

Rather than closing loopholes in the NSR program, this draft bill expands them. It continues to disadvantage new facilities by allowing old facilities to operate without modern pollution controls. If these changes go forward, air pollution will only increase. Communities that have fought to reduce toxic air pollutants, including benzene, mercury, and other dangerous chemicals, will see pollution and their health problems increase. That means more asthma attacks, and more people getting cancer, and heart and lung diseases.

Congress never intended to grant a permanent license to pollute to any facility, but that is exactly what this legislation would achieve.

The provisions in this bill will guarantee that no existing facility will be subject to the NSR program when it is modernized or expanded. And, it will ensure the public will be subject to greater pollution from these plants after they are modified.

No one has a choice about breathing. Each of us does it between 17 and 23 thousand times every day. However, we can choose to limit air pollution so that each breath delivers the clean and healthy air we need. The NSR program could certainly be improved, but not with this bill. It is long past time for old coal-fired generation and refineries to reduce their emissions and do their fair share to keep the air clean and safe to breathe.

###

democrats-energycommerce.house.gov | [Twitter](#) | [Facebook](#) | [Instagram](#) | [YouTube](#) | [Flickr](#)