



COMMITTEE ON
ENERGY & COMMERCE
DEMOCRATS
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Pallone Remarks at Hearing on New Source Review Program

“The so-called NSR program “improvements” being suggested today by my Republican friends are not new ideas, they are just a bunch of toxic old policies bundled up in a heart-shaped box as a Valentine’s Day present to polluters.”

Washington, DC – Energy and Commerce Ranking Member Frank Pallone, Jr. (D-NJ) delivered the following opening remarks today at a Subcommittee on the Environment hearing titled “New Source Review Permitting Challenges for Manufacturing and Infrastructure.”

We’re here today to discuss one of the Clean Air Act’s oldest and most debated programs – the New Source Review Program. It is based on a simple principle: any new facility that emits pollutants should not increase local air pollution above levels that are safe to breath. The NSR program ensures that we have growth in the economy, not in pollution.

In December, Administrator Pruitt issued a memorandum altering long-standing NSR policy using an active case as justification for the change. The case was U.S. versus DTE Energy Company, and the December memo actually reads as if it were prepared by DTE’s legal team. I can’t say that comes as a complete shock to me since Bill Wehrum, the man Administrator Pruitt put in charge of the office that drafted the memo, was previously part of DTE’s legal team.

The new policy is as suspect as the process used to initiate it. It will gut enforcement of the NSR program to the benefit of certain companies, at the expense of the public health and companies that have cleaned up their act. The eight-page memo lays out a policy that invites polluters to skirt the law and dump tons of harmful pollution on our communities. Essentially, it is a recipe instructing polluters how to cook the books and get out from under the need for a permit under the NSR program.

This is certainly not a perfect program, but it has helped reduce harmful air pollution and improve public health, especially for people living in the communities close to these facilities. All of these gains will erode rapidly if we stay on the course this Administration is following.

Too many old facilities have already used loopholes to game the system and avoid cleaning up their pollution. Certainly, there are challenges for those existing facilities, but the Clean Air Act never intended for them to be exempt from the NSR program forever.

Also, it's important to remember that pollution control is a zero sum game. Therefore, under Administrator Pruitt's NSR scheme, states and localities will have to make those that have played by the rules achieve greater pollution reduction in order to offset the excess pollution created by businesses that EPA is essentially allowing to go unregulated. That's particularly outrageous to those of us who represent down-wind states. We're tired of having to compensate for the lack of pollution control in neighboring states. EPA should not be making life easier for polluters: the Agency should do its job, and ensure that lax implementation and enforcement in one state doesn't burden others.

Republicans argue we need to ease the NSR program to expand manufacturing and infrastructure, but new manufacturing facilities aren't being held back by clean air requirements. Weakening the Clean Air Act won't create jobs.

The fact is that the so-called NSR program "improvements" being suggested today by my Republican friends are not new ideas, they are just a bunch of toxic old policies bundled up in a heart-shaped box as a Valentine's Day present to polluters. Industry has been trying to get out from under this program for a long time, and it looks like Scott Pruitt and Republicans are working hard to try to grant their wish. But make no mistake, the Valentine's Day gift from Pruitt and Republicans gives polluters all the roses, and sticks the public with the thorns. We should reject these policies that will harm the public health.

I yield back.

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