



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

**FOR IMMEDIATE RELEASE**

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## **Pallone Remarks at Environment Subcommittee Markup**

*“Relaxing air standards for businesses does not reduce costs, it merely transfers them from business to individuals”*

**Washington, D.C.** – *Energy and Commerce Committee Ranking Member Frank Pallone, Jr. (D-NJ) delivered the following opening remarks today at a Subcommittee on Environment markup of “H.R. 1119, the “Satisfying Energy Needs and Saving the Environment Act (SENSE) Act of 2017;” H.R. 1917, the “Blocking Regulatory Interference from Closing Kilns (BRICK) Act of 2017;” H.R. 453, “Relief from New Source Performance Standards Act of 2017;” and H.R. 350, the “Recognizing the Protection of Motorsports Act of 2017.”*

Today’s markup is another disappointing effort by the Committee to advance bills to undermine public health protections and erode our progress on clean air.

Two of these bills were considered by the Committee in the last Congress – H.R. 1119, the SENSE Act and H.R. 1917, the BRICK Act. I opposed these bills in the last Congress. I oppose them now.

The SENSE Act would allow power plants that burn coal refuse to emit higher levels of sulfur dioxide and hydrogen chloride – two dangerous air pollutants. It does this by revising both the Mercury and Air Toxic Standards rule and the Cross-State Air Pollution rule. This bill is a sweetheart deal for a small group of power plants that will result in more air pollution.

As a Congressman from a down-wind state, I am particularly concerned about this bill. Pollution generated west of New Jersey moves into our air shed jeopardizing public health. It also increases the regulatory burden on New Jersey businesses that will be asked to do more to compensate for the extra pollution generated by these plants.

The Majority is expected to propose an amendment in the nature of a substitute that strikes all the changes to the Cross-State Air Pollution rule from the bill. This is a positive development, but the harmful changes to the Mercury and Air Toxics rule remain in place, and so, I continue to oppose this bill.

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H.R. 1917, the BRICK Act, is another matter. While there are special circumstances related to the rule for brick and clay ceramic manufacturing, this bill is not the way to address the problem. It sets a dangerous precedent that would encourage endless legal challenges designed to stall compliance with important safeguards. This issue currently is before the courts, and that is where the issue should be resolved.

A few weeks ago, we held a hearing about the many dangers associated with forest fires. The western states, in particular, have experienced another record year of fires with tragic consequences, including widespread and persistent air pollution. So, it is difficult to understand why we would want to consider H.R. 453, the Relief from New Source Performance Standards Act.

This bill delays the rule to improve the efficiency and emissions performance of woodstoves, hydronic heaters, and force-air furnaces. Any delay in this rule will allow less efficient stoves and heaters that pollute the air to be on the market for three additional years. And, because these appliances last for decades, it will take far longer to reduce pollution from these sources. It makes no sense to me why we would add more pollution from wood burning, especially when there are manufacturers producing compliant appliances today.

These standards have not been updated since 1988 – nearly 30 years ago. Furthermore, these new standards do not even begin to apply until 2020. All H.R. 453 really does is punish manufacturers who invest in cleaner, more efficient technologies and increase dangerous air pollution. There is no justification for extending the deadline for these standards, and no need for this bill. I oppose it.

Finally, we have H.R. 350, the “Recognizing the Protection of Motorsports Act of 2017.” The need for this bill has been exaggerated. Nothing in the Clean Air Act prevents anyone from racing a vehicle – professionally or as an amateur. Motorsports are not in jeopardy, but air quality will be if we pass H.R. 350 in its current form.

The devices, which are marketed and installed on a vehicle to improve its performance for racing, are emission control defeat devices. This is the same type of device that led to significant fines and loss of consumer confidence for Volkswagen because they result in much higher pollution. If someone installs these devices on a vehicle, that vehicle should no longer be driven for daily use on public roads. If a car is modified into a dedicated race car, then it should only be used on a track.

H.R. 350 creates a loophole in the Clean Air Act that is too broad to ensure these devices will only be installed in dedicated racing cars. However, I believe we can find a bipartisan solution that would result in widespread support for H.R. 350, and, Mr. Chairman, I am willing to work with you toward that goal. I hope we will take the opportunity to improve this bill before it is considered by the full Committee, but I cannot support a bill that facilitates emissions cheating. And, that is what H.R. 350 does.

Exempting businesses from clean air rules leads to more air pollution. Air pollution damages people's health. Relaxing air standards for businesses does not reduce costs, it merely

transfers them from business to individuals who will pay for the excess air pollution with more doctor visits and more lost work or school days.

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

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