

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Subcommittee on Environment, Manufacturing, and Critical Materials Ranking Member
Paul Tonko

Markup of Seven Bills

February 28, 2023

Thank you, Mr. Chairman.

I want to start by expressing my deepest sympathies to you and your constituents in East Palestine, Ohio.

This type of accident should never happen in America, and you have my heartfelt commitment to work with you to understand the root causes, hold those responsible accountable, and work together to make sure that no community has to go through something similar in the future.

I know there is a lot of work to be done to remediate the accident site and make residents whole.

And I think I can speak for all the Members on our side of the aisle, that we are here to be partners in the effort to examine whether EPA has the legal authorities and resources necessary to hold the responsible parties accountable.

I also appreciate that you are moving these bills through regular order; however, I am disappointed that the concerns raised during the legislative hearing have not been addressed.

Two of these bills, H.R. 1023 and H.R. 1141, would repeal important provisions of the Inflation Reduction Act.

The Greenhouse Gas Reduction Fund is critical to achieving the Administration's Justice 40 goals.

This Fund will leverage private funding to make clean energy investments across the country, including in disadvantaged communities where financing such projects can be challenging.

This program is important to ensuring the transformational benefits of our national clean energy transition reach all neighborhoods and are shared by all Americans.

The Methane Emissions Reduction Program is going to drive down highly potent greenhouse gas emissions from the oil and gas sector, and it will do so by first providing funding to industry to adopt emission-reducing technologies.

This approach is a good model for how we can work with industry to reduce climate pollution.

Repealing either of these provisions would be a tremendous mistake, and I must oppose these bills.

Several of the remaining bills would create new loopholes in our nation's most important environmental laws for a loosely defined group of "critical energy resources."

These bills are not going to enhance the safety of the air, water, and soil that our constituents rely upon.

On the contrary, these bills are going to make it more— not less— likely that future contaminations will occur.

Vinyl chloride, for example – the dangerous chemical at the heart of the East Palestine cleanup – is currently covered by EPA's Risk Management Program.

Under, H.R. 1140 under consideration today, if vinyl chloride were determined to be a critical energy resource, facilities where it is produced may no longer need to reduce the risks it poses to workers and nearby communities.

In fact, none of the Clean Air Act's requirements— or even state and local environmental laws— would apply to those facilities.

It is important for us to remember why we have environmental protections in the first place.

They were not created to prevent the United States from unleashing its fossil energy potential.

They exist to protect communities and workers from dangerous pollution and industrial accidents.

And every so often the American public gets a tragic reminder of why these laws are necessary.

The reality is there are people across the country— who do not receive media attention— who live and work along the fencelines of polluting facilities.

How can we tell them that we are going to allow those facilities to have a free pass to pollute so that fossil fuel executives can continue to line their pockets?

We need to be very careful about creating new loopholes in EPA's authorities, and I am not convinced the language before us is solving any legitimate or pressing national energy challenge.

The proposals before us today are the wrong approach.

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But I look forward to the discussion on these bills, and I hope we can identify meaningful things this Subcommittee can do to better protect Americans from environmental threats and ensure polluters are held responsible for the damage they do.

I yield back.