

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of**

**Subcommittee on Environment, Manufacturing, and Critical Materials Ranking Member
Paul D. Tonko**

***Hearing on “Driving Affordability: Preserving People’s Freedom to Buy Affordable Vehicles
and Fuel”***

June 22, 2023

Thank you, Mr. Chair.

I want to begin by recognizing and thanking our witness, Mr. Goffman, as well as the EPA’s staff for continuing their work on a regulatory agenda that addresses pollution from the transportation sector and upholds the agency’s mission of protecting human health and the environment.

Transportation remains the largest source of greenhouse gas pollution in the United States and is a major emitter of other harmful air pollution.

Luckily, the Clean Air Act provides EPA with a wide range of authorities and tools to address these emissions.

And I believe EPA is working to fulfill its obligation to protect public health in a manner consistent with both the latest science and the law.

Unfortunately, the four bills under consideration today would undermine EPA’s efforts, and I must oppose them.

H.R. 1435, the Preserving Choice in Vehicle Purchases Act, would limit the Clean Air Act’s so-called California waiver and requires previously issued waivers to be revoked.

Given its history and extraordinary air quality challenges, California has the ability to request a preemption waiver for its vehicle emission standards provided that they are at least as stringent as federal standards and necessary to meet compelling and extraordinary conditions.

This leadership by California has benefitted so many Americans. My home state of New York is among the Section 177 states that adopt these standards.

The Choice in Automobile Retail Sales Act prohibits EPA from finalizing its recently proposed medium-duty and light-duty vehicle standards, blocking the ongoing effort to strengthen tail pipe emission standards for future model years.

I would not have been surprised to see the majority use the Congressional Review Act on this rule, but they could not even wait for it to be finalized.

This bill prevents EPA from carrying out its duties to protect the public from harmful air pollution, and it will deny Americans the significant economic and health benefits of the proposed rule.

Ultimately, this bill will undermine private sector investments in cleaner vehicle technologies by injecting even greater uncertainty into the standards and incentives that are resulting in the rapid adoption of zero-emission vehicles.

It will also stifle innovation, removing the push on automakers and suppliers to continue making cleaner, more efficient, and more affordable vehicles at every price point.

The No Fuel Credits for Batteries Act would prevent EPA from allowing eligible biofuels used to make electricity that power EVs from earning eRINs under the RFS.

There are currently several fuel pathways involving electricity approved under RFS, but these pathways have never been operationalized.

EPA has recently considered adding eRINs to the RFS, and I hope the agency moves forward with this proposal in the near future. Failing to do so will keep otherwise eligible feedstocks from participating and receiving the benefits of the RFS.

Finally, H.R. 3337, the Fuels Parity Act, changes the definition of advanced biofuel in the Clean Air Act to remove the bar on corn starch. It also requires EPA to use the GREET model to assess carbon intensity for corn ethanol.

I want to be clear that I do not necessarily have a problem with the GREET model, but this bill would give preferential treatment to only two types of biofuels while requiring other fuels to use other, less advantageous models.

Ultimately, I believe these bills will continue the Republican trend of creating uncertainty for the private sector, seeking to upend investments in the next generation of clean vehicle technologies.

There is no denying the rapid adoption of EVs, which is only expected to increase in the years ahead.

Consumers are realizing that these vehicles are not only good for the environment, but also result in major cost savings over the life of the vehicle.

And these vehicles and their components will increasingly be built in America, in large part due to the incentives included in the Bipartisan Infrastructure Law and the Inflation Reduction Act.

Now, while I am very excited about the possibilities for widespread EV adoption, I also know liquid fuels will continue to play an important role in our fuel mix for many decades to come. And I want those fuels to continue to reduce their carbon intensity.

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Last year, under Democratic leadership, the House passed bipartisan legislation with the support of several Republicans on this Committee, that would have done just that by allowing E-15 to be sold year-round.

These higher biofuel blends not only reduce emissions, but also give consumers another option to save at the pump.

While that proposal is certainly not my preferred long-term solution to evolve federal fuels policy toward a fuel-neutral, performance-based carbon intensity program, I do believe it is a more legitimate attempt at bipartisan legislating than the bills before us today.

So, while I look forward to our witnesses' testimony, I remain unconvinced that we can work together to build broad bipartisan support for any of these bills.

Thank you, Mr. Chair. I yield back.