

**Committee on Energy and Commerce**

**Opening Statement  
of**

**Subcommittee on Environment Ranking Member Paul Tonko**

***New Source Review Permitting Challenges for Manufacturing and Infrastructure***

**February 14, 2018**

Thank you, Mr. Chair. And thank you to our witnesses for being here this morning.

Today's hearing will examine EPA's New Source Review permitting program.

As we have discussed on many occasions in this subcommittee, under the Clean Air Act, EPA is required to set health-based National Ambient Air Quality Standards, or NAAQS, for six criteria pollutants.

As more medical and scientific evidence has come to light, NAAQS have been adjusted accordingly to ensure they continue to be protective of our health.

Since the passage of the Clean Air Act, our nation has experienced a drastic reduction in these air pollutants, all while our economy has grown tremendously.

It is beyond dispute that air pollution has serious health and economic consequences. When people are sick, hospitalized, and miss school or work, we are a less productive society.

The New Source Review program plays an important role to ensure that new and modified major sources use the appropriate pollution controls to limit emissions of criteria pollutants.

This includes the Best Available Control Technology in locations with relatively clean air, known as Prevention of Significant Deterioration, to ensure these areas continue to maintain healthy levels of air quality.

For areas in nonattainment of a NAAQS, this includes the Lowest Achievement Emissions Rate along with appropriate offsets from other existing sources. This is known as Nonattainment New Source Review.

The Clean Air Act has been successful because it is premised on making progress over time.

We have made major strides in reducing pollution as our understanding of the health risks posed by dirty air has become more sophisticated.

That is why I was pleased to see EPA's website recognize February as American Heart Month.

EPA has some useful heart health statistics, such as:

"Heart disease and stroke are the first and fourth leading causes of death in the U.S."

"Air pollution can affect heart health and can trigger heart attacks and strokes that cause disability and death."

February 14, 2018

Page 2

“One in three American adults has heart or blood vessel disease and is at higher risk from air pollution.”

It is critical that we acknowledge, and educate people on, the role air pollution plays in exacerbating heart disease, asthma, and other respiratory illnesses.

So while EPA’s website has taken steps to connect the dots between air pollution and threats to Americans’ health, the actions by Administrator Pruitt and Assistant Administrator Wehrum have been troubling.

On December 7, Administrator Pruitt issued a memorandum with a new approach to implementation and enforcement of the New Source Review program.

EPA will no longer review the permit applicant’s emissions projections, nor will the agency enforce against an applicant that provides invalid estimates.

In some cases, this lax attitude on enforcement will have consequences in downwind states, far away from the original permitting authority.

And while not the subject of today’s hearing, another data point from January 25— Assistant Administrator Wehrum reversed EPA’s longstanding “Once In, Always In” policy for major source MACT requirements.

Both decisions will result in greater air pollution.

And the New Source Review Task Force seems to be little more than a brainstorming session on how to evade air pollution controls rather than actually building a public record on how the program might be improved.

Progress over time means ensuring we don’t backslide. And sadly, I believe the direction of this EPA will cause us to do just that.

My district, and many great towns and cities across this country, were built by manufacturers.

But when many of those facilities were built, we didn’t fully understand the consequences of dirty air.

We didn’t know that one in three American adults has heart or blood vessel disease and is at higher risk from air pollution.

We know better today. Our health and environmental safeguards should reflect that.

We shouldn’t have to ask our constituents to bear all the costs of air pollution. Especially not when there are effective and well-understood pollution controls.

I would urge EPA’s leadership to stop going down this path, and consider how to best improve and preserve air quality.

So thank you again to the witnesses for being here and helping us better understand some of the potential changes to the New Source Review program. I yield back.