

**Committee on Energy and Commerce**

**Opening Statement as Prepared for Delivery  
of  
Ranking Member Frank Pallone, Jr.**

***Hearing on “A Decade Later: A Review of Congressional Action, Environmental Protection Agency Rules, and Beneficial Use Opportunities for Coal Ash”***

**June 26, 2025**

Today, the Subcommittee is examining coal ash regulations at the Environmental Protection Agency (EPA).

Coal ash is a waste product generated from burning coal for energy. It is radioactive and contains toxic contaminants like arsenic, lead, mercury, and chromium. Some power plants dispose of coal ash in surface impoundments, storing the waste in ponds at operating or inactive facilities. This poses serious risks to the surrounding communities – threatening human health and the environment. Contaminants can leach into groundwater and drinking water supplies or become airborne as toxic dust. Aging or deficient impoundments can fail structurally, resulting in catastrophic floods of toxic sludge entering neighboring communities.

The Environmental Protection Agency (EPA) first determined that national disposal criteria were needed for coal ash 25 years ago. This led to regulations starting in 2015, and then Congress acted nine years ago with passage of the Water Infrastructure Improvements for the Nation (WIIN) Act. This law gave states the ability to create their own coal ash management programs, as long as they provide equal or greater protection to federal standards. And last year, EPA finally updated their rule to include all the legacy coal ash waste sites under their purview.

The passage of this law now provides us many data points to measure the success of state and federal regulations to manage coal ash waste and protect surrounding communities. Unfortunately, the data doesn’t paint a good picture. There have been countless examples of weak state enforcement, large scale releases of toxic sludge, and public health harms.

According to industry’s own data, over 90 percent of coal plants have reported groundwater contamination from their coal ash storage sites. We still see coal ash stored in unlined pits that leach into groundwater or that gets blown into neighboring communities.

To protect the health and safety of those living near coal ash sites, we need strong federal standards for the disposal and management of this toxic waste, and strong enforcement of those standards at the state and federal levels.

But EPA’s budget proposal and staffing cuts make it clear that federal enforcement is not a priority. The Trump Administration is hurting EPA’s ability to ensure coal ash disposal and pollution do not put Americans’ health at risk. At a time when the Administration should be ensuring states are following the law, EPA Administrator Zeldin is instead turning over responsibility of coal ash management to states. This is an outrageous abdication of

responsibility considering the well-documented pattern of states allowing this toxic pollution to continue unabated.

The Republican Majority is also likely to discuss the beneficial uses of coal ash and explore additional opportunities to divert more of this waste from ponds or landfills. I agree that coal ash recycling helps decrease Americans' exposure to this toxic substance, but it is critical that we follow the science to ensure the uses don't cause further harm and contamination. While using encapsulated coal ash in construction materials can be a good recycling method for this waste, using unencapsulated coal ash as ground fill is not. And while pilot projects extracting critical minerals from coal ash are promising, they should not be touted as a reason to prop-up uneconomic, outdated, and high-polluting coal power plants.

As we discuss this issue, let's not forget the broader legacy of coal and what any possible resurgence would mean for communities across the country. We'd see an increase in black lung disease in young people, more air pollution related deaths, and increased cancer rates from exposure to coal ash fill. We cannot afford to repeat the mistakes of the past, in hopes of a different outcome.

I look forward to hearing from our witnesses and yield back the balance of my time.