

Committee on Energy and Commerce
Opening Statement as Prepared for Delivery
of
Member Paul D. Tonko

Markup of 10 Bills, Full Committee

September 2, 2026

Thank you, Mr. Chair.

Today, the Committee will consider four bills that were recently advanced by the Environment Subcommittee. I am very happy to see the emerging bipartisan consensus that the recycling of critical minerals already in commerce can be an important strategy to meet our growing critical mineral needs.

With the right incentives and regulatory requirements, lithium-ion batteries can be a rich source of domestic minerals, and we can ensure their proper collection, reuse, recycling, and—when necessary—disposal, while addressing safety, public health, and environmental concerns.

H.R. 9615, the BRACE Act, is a good first step. The bill would allow facilities to store these batteries prior to recycling them in accordance with universal waste requirements while directing EPA to issue a rule to support the safe management of lithium-ion batteries as universal waste for the long-term. I understand this bill is not going to solve all of our issues with critical mineral recycling or end-of-life handling of batteries.

Ultimately, I believe that a national extended producer responsibility framework can play an important role in supporting the collection, reuse, and recycling of these batteries. And I would be open to continuing to explore these types of next-step policies as we head into the 120th Congress.

Today, we will also consider H.R. 2140, the bipartisan reauthorization of the Diesel Emissions Reduction Act. DERA is an incredibly effective program that supports the replacement and retrofit of some of the worst polluting diesel engines currently in use. I am glad we can build upon this success of this program, and I look forward to supporting this bill.

Unfortunately, I must oppose the other two bills addressing mobile source pollution.

H.R. 3194, the LOCOMOTIVES Act, and H.R. 9317, the BUSES Act, would curtail state and local governments' ability to adopt commonsense regulations to protect the public from dangerous air pollution.

The BUSES Act seeks to limit state and local governments from implementing anti-idling bus laws while the LOCOMOTIVES Act would prohibit states from regulating emissions from trains.

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State and local governments are on the frontlines of protecting Americans from air pollution, and I cannot support efforts to limit their ability to do so, especially given the Trump EPA's approach— or lack thereof— to developing and enforcing meaningful public health protections.

Millions of Americans continue to suffer from unsafe levels of air pollutions, and in the absence of a strong federal commitment to environmental protection, I believe Congress must do everything possible to encourage our state and local partners to develop sensible public health protections.

Thank you. I yield back.