



COMMITTEE ON
SCIENCE, SPACE, & TECHNOLOGY
Lamar Smith, Chairman

For Immediate Release
May 23, 2017

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Statement of Environment Subcommittee Chairman Andy Biggs (R-Ariz.)
Expanding the Role of States in EPA Rulemaking

Chairman Biggs: Welcome to today's hearing, entitled "Expanding the Role of States in EPA Rulemaking."

The 10th Amendment protects states from being bullied by the federal government. Instead of allowing complete and unchecked power at the federal level, the Constitution ensures that states retain their authority on issues not expressly defined.

Unfortunately, the previous Administration must have skimmed over that part of the Constitution, deciding instead to impose complete control over states and their economies. This was certainly the case with the Environmental Protection Agency. Far too often, states found themselves forced to comply with costly and unachievable environmental standards, all for little or no benefit.

As the EPA gains new leadership, the states must be given a larger role on environmental policy and not cede any more authority to unelected bureaucrats in Washington, D.C. The EPA under Obama routinely overstepped its authority, promulgating unnecessarily stringent standards without regard to state abilities or local expertise.

In implementing nation-wide ozone standards, to use one significant example, the agency chose an uninformed "one-size-fits-all" regulatory agenda without regard to the unique challenges each state may face.

In October 2015 the EPA lowered the national ozone standard from 75 parts per billion to 70 parts per billion. Southwestern states like my home state of Arizona are unable to comply with this standard solely due to our geographic location, which the EPA conveniently ignores when issuing standards.

Arizona experiences a significant amount of naturally occurring ozone emissions, which contribute greatly to volatile organic compound emissions, or VOC's. Power plants, oil refineries, industrial sources, and other stationary sources account for 1 percent of Arizona's VOC emissions, yet this is not something the EPA readily admits.

Although the EPA's shortcomings on setting ozone standards are reprehensible, the way this agency has dealt with the regional haze program is even more egregious. This rulemaking merely aims to increase the clarity and color the human eye can see when visiting national parks and other protected federal wilderness.

Yes, you heard me correctly: the goal of this rule is not to improve human health in any way and does nothing to prevent environmental hazards. It is an aesthetic measure. And, shockingly, implementing this rule will cost individual states hundreds of millions of dollars.

When Congress enacted haze regulations, the original intent was to have states dictate how to implement the program. The EPA was tasked with giving guidance to states while at the same time granting them deference to decide how to implement the program. Congress envisioned a true partnership. Perhaps if the EPA had made an earnest effort to partner with states and truly listen to their feedback, Americans would not be paying the cost of hollow regulations.

Thankfully, the new EPA Administrator Scott Pruitt has expressed an intent to work with states in a cooperative manner to create positive change. This hearing will help aid this endeavor by giving state officials the opportunity to voice their states' needs.

I hope this hearing will act as a step toward ensuring a true partnership between states and the federal government.

I yield back.

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