

## Chairman Dingell at the Subcommittee on Energy and Air Quality Hearing entitled, "Strengths and Weaknesses of Regulating Greenhouse Gas Emissions Using Existing Clean Air Act Authorities"

Statement of Congressman John D. Dingell, Chairman  
Committee on Energy and Commerce

SUBCOMMITTEE ON ENERGY AND AIR QUALITY HEARING ENTITLED "STRENGTHS AND WEAKNESSES OF REGULATING GREENHOUSE GAS EMISSIONS USING EXISTING CLEAN AIR ACT AUTHORITIES"

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The Subcommittee is meeting today to address a most important question: What greenhouse gas regulations can we expect if Congress fails to pass comprehensive climate change legislation?

In previous Subcommittee hearings, there were Members on both sides of the aisle who seemed to assume that if we fail to enact comprehensive climate change legislation, greenhouse gases will go unregulated "at least at the Federal level. Today's hearing will cause us to ask if this is a false assumption.

In last year's Supreme Court decision in *Massachusetts v. EPA*, the Court stated that it believed that greenhouse gases are "air pollutants" under the Clean Air Act. This is not what some of us intended, but it is the law of the land and must be followed. As a result of this decision, it is clear that under the Clean Air Act, the Environmental Protection Agency (EPA) can regulate greenhouse gases from both stationary and mobile sources. Even if the next Administration did not want to issue such regulations, environmental groups, perhaps even one or two of today's witnesses, would undoubtedly go to Court to force EPA to act.

I urge my colleagues to listen closely to the types of greenhouse gas regulations that EPA could impose under its existing authority. Ask yourself whether they are likely to impose greater hardship on U.S. industry than would carefully crafted legislation that achieves the same or greater greenhouse gas reductions.

On the mobile source side, I have repeatedly expressed my concern that we have multiple agencies with regulatory authority to limit greenhouse gas emissions from motor vehicles. The National Highway Traffic Safety Administration (NHTSA) must issue CAFE fuel efficiency standards based on the Energy bill that we enacted in December. EPA also has authority under Title II of the Clean Air Act to impose additional limits that may differ from CAFE. California and other States are also trying to regulate greenhouse gas emissions from motor vehicles.

EPA also has authority to regulate greenhouse gases from stationary sources such as power plants and industrial facilities. Think about whether state implementation plans, new source review permitting, and source-specific performance standards are the best way to regulate greenhouse gas emissions.

I believe that a cap-and-trade program should be the cornerstone of a comprehensive climate change program. EPA may not have authority to adopt an economy-wide cap-and-trade program under the existing Clean Air Act. If it does, EPA will have to make decisions "such as who gets how many allowances" that are inherently political decisions that should be made by an elected and accountable Congress.

Structuring a comprehensive climate change program is our responsibility. It should not fall to EPA by default.

Prepared by the Committee on Energy and Commerce  
2125 Rayburn House Office Building, Washington, DC 20515