



COMMITTEE ON DEMOCRATS
ENERGY & COMMERCE
RANKING MEMBER FRANK PALLONE, JR.

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Statement of Ranking Member Frank Pallone, Jr.
Committee on Energy and Commerce
Subcommittee on Energy and Power
Legislative Hearing on “The Rate-Payer Protection Act of 2015”

April 14, 2015

Mr. Chairman, today’s hearing on a bill to gut the President’s Clean Power Plan is misguided and unfortunate. I do not support this legislation and urge Members to closely examine its harmful effects on our country’s progress to combat damaging pollution and catastrophic climate change.

First, let me thank Assistant Administrator McCabe for being here today. I understand that EPA received over four million comments on the proposed Clean Power Plan, and that you, Administrator McCarthy and the Agency staff are working day and night to review and consider those comments.

EPA did an unprecedented amount of outreach to states, industry, and stakeholders when developing the proposal. And the Agency has continued its outreach. This includes an ongoing series of listening sessions with the Federal Energy Regulatory Commission. EPA is also

actively working with states, grid operators, public utility commissions and electricity suppliers of all kinds to finalize a rule that works for everyone, especially ratepayers.

Like all proposed rules, the Agency is considering adjustments to the Clean Power Plan based on comments and stakeholder feedback. For example, the draft rule's implementation timeline won't begin until 2020, but because of feedback, EPA is considering modifications to allow additional flexibility for states to help address questions of timing, reliability and other implementation issues. And for that reason I believe the Clean Power Plan is eminently reasonable and achievable. EPA is clearly committed to an open dialogue to ensure its success.

Meanwhile, the bill before us seeks to undermine all of that work. Under the current Clean Air Act and the proposed Clean Power Plan, no state is required to submit a state plan. So giving governors the option to opt out of developing a state plan, doesn't change anything. However—and this is important—this bill would give governors the option to opt out of a federal plan, which EPA must implement if a state fails to act.

In that respect we should view this bill for what it really is, an amendment to the Clean Air Act, which would overturn the principle of cooperative federalism that has been in place for more than forty years. This cooperation is essential to ensure all Americans are protected from environmental harm, even if the actions of their home state fall short. Under this bill, large sources of carbon pollution could be exempt from any meaningful restrictions. Therefore, scofflaw states get a free ride to pollute without any consequences while every other state foots the bill.

Finally, this bill would automatically delay implementation of the Clean Power Plan by extending all deadlines by the amount of time it takes litigation to conclude. That blanket extension would be given to all polluters regardless of whether their legal arguments turn out to have any merit.

As we heard at our last hearing, EPA does, in fact, have authority for the Clean Power Plan and I believe it will ultimately be upheld by the Courts. But this bill would provide an incentive for polluters to “run the clock” on litigation so all deadlines in the rule would be extended as long as possible, no matter how frivolous the challenge and regardless of the outcome. This is an incredibly reckless and dangerous precedent to set with regard to any law.

Climate change is real and Congress should be taking action to address it. The effort by Republicans on this Committee to push states to “say no” and refuse to cooperate with EPA is both reckless and dangerous. The New York Times referred to it as “a travesty of responsible leadership.” Meanwhile, former Bush EPA Administrator and New Jersey Republican Governor Christine Todd Whitman characterized this effort as having “the possibility to undermine our nation’s entire rule of law.”

States should begin the careful process of moving to cleaner, cheaper, and more reliable electric power systems. The Clean Power Plan is a modest and flexible proposal. If my Republican colleagues have a better idea for protecting against a changing climate, then please speak up. Just saying no and condemning future generations is not an option. Thank you.

