

**Opening Statement of the Honorable Ed Whitfield**  
**Subcommittee on Energy and Power**  
**Field Hearing on "EPA's Proposed Greenhouse Gas New Source**  
**Performance Standard for Utilities and the Impact this Regulation**  
**Will Have on Jobs"**  
**July 16, 2012**  
*(As Prepared for Delivery)*

This is the twenty-fifth day of the Energy and Power Subcommittee's hearing on the American Energy Initiative. I am pleased to be in Abingdon, Virginia, to hold this field hearing on the Environmental Protection Agency's Greenhouse Gas New Source Performance Standards for utilities.

I am deeply concerned about many things going on in America right now – the weak economy, stubbornly high unemployment, skyrocketing federal spending, Obamacare, and others. But if I were to point to a single Obama administration policy that I want to stop more than anything else, it would have to be the war on coal.

Under President Obama, the Environmental Protection Agency has cranked out one costly anti-coal regulation after another. The agency tells us we need these measures to protect us from global warming, but in my view the cure is considerably worse than the disease.

Everything from mining the coal to using it for power generation to recycling the fly ash into construction materials is under assault. Today, we will discuss the cumulative impacts of all of these rules, and especially EPA's proposed Greenhouse Gas New Source Performance Standards for electric generating units.

It is clear that EPA is overreaching, and in fact, the agency's agenda has faced several setbacks in federal court. For example, in the recent Luminant case, the Fifth Circuit Court of Appeals rejected EPA's attempts to disapprove a Texas permit program, and said that the EPA's disapproval was based on "purported nonconformity with three extra-statutory standards that the EPA created out of whole cloth." And then in the recent Spruce Mine decision, a federal judge rejected EPA's unprecedented attempt to invalidate a West Virginia coal mining permit that had been issued many years before. The court called EPA's rationale "magical thinking," and "a stunning power for an agency to arrogate to itself."

Unfortunately, another recent federal court decision upheld parts of EPA's global warming regulatory agenda. But even there, on the critical issue of the so-called tailoring rule, I would like to make clear that the court declined to pass judgment simply because it concluded that none of the petitioners had the standing to challenge it. So as the permitting thresholds under the tailoring rule are ratcheted down in the coming years, it is going to affect hundreds of thousands of farms and small businesses. And indeed, we have heard from farmers and small business owners who fear that the EPA global warming hammer will drop on them in the not-too-distant future.

Overall, we can't rely on the courts to save our economy and preserve our way of life. Congress needs to act to protect coal and those who depend on it.

We have held numerous hearings on this global warming agenda, and we have introduced legislation to stop it. And every step of the way, we have had extensive discussions about the negative impacts on jobs, on energy costs, and on family budgets.

But in Washington, DC, you can't get the first hand perspective of what this war on coal is doing to real people in real communities out in coal country. And that is why we are here in Abingdon today. And I am pleased to be joined by my friend and colleague Morgan Griffith, who represents Abingdon and the rest of Southwest Virginia and who is a strong voice for coal in Congress.

In this part of Virginia, a number of people make their living directly from coal and they are justifiably worried. But what many don't understand is that a coal mine is often the major employer in its community and that the rest of the local economy depends on it. The same is true for coal-fired power plants and manufacturers that rely on coal. Thus, when EPA decides to close a mine or enact rules and regulations that make it prohibitively expensive to continue using coal, the impacts reverberate all across the region.

That's why it is so important to hear directly from those representing the job creators in communities like this and learn how coal figures into the local economy. And it is why I look forward to hearing from the witnesses today. I can assure you that we will carry your message back to Washington.

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