

**Opening Statement of the Honorable Fred Upton
Committee on Energy and Commerce
Markup of H.R. 2218, H.R. 2226, H.R. 2279, and H.R. 2318
June 18, 2013**

(As Prepared for Delivery)

This week we take an important step toward enacting four pieces of legislation to protect human health and the environment, reduce red tape, protect jobs, and improve the partnership between the federal government and our states. Washington does not always know best. We have a strong working relationship with our states, and the four bills we will vote on tomorrow reflect that ongoing partnership.

We will first consider H.R. 2218, Mr. McKinley's Coal Residuals Reuse and Management Act, which is the latest product of an over two year effort to protect jobs. The original bill, voted out of this committee and passed the House in 2011 by a bipartisan vote of 267 to 137, established the core principles of our approach: set minimum federal standards for coal ash management and disposal and leave permitting and implementation to the states.

In 2012, the Senate took our bill and, in consultation with the committee, added a few additional specific standards. Unfortunately, that effort came up just short in the final days of the 112th Congress. Undeterred, we built upon the progress of the last two years. We sat down with the EPA this past spring to exchange perspectives on many of the details and ultimately incorporated some of their suggestions.

After two and a half years, it's time to enact this bill to ensure the environmental and economic benefits of coal ash recycling can continue, jobs will be protected, and that we can be confident that when coal ash is not recycled, it is properly managed.

The second bill we will consider is Mr. Johnson's Federal and State Partnership for Environmental Protection Act, H.R. 2226, to give states more say in choosing Superfund sites for the National Priority List and in crafting remediation strategies. After all, states—under CERCLA—are required to spend some of their own money on Superfund clean-ups chosen principally by EPA and it's their own citizens who are personally affected living near and downstream from these sites. More state voice brings better balance to the federal-state partnership.

Next, we will consider Mr. Gardner's Reducing Excessive Deadline Obligations Act, H.R. 2279, which makes two simple reforms to existing law. First, it takes EPA out from underneath an arbitrary and impractical deadline to review Solid Waste Disposal Act regulations every three years whether they need it or not. Instead, we instruct EPA to review them as appropriate. This will allow EPA, the states, and the regulated community to better focus their efforts on clean-up and waste management instead of on re-writing regulations.

The bill also preserves state financial responsibility authority in the event that EPA issues its own regulations for the first time. Many projects are developed based on long-term financial surety commitments. Upsetting those after years of reliance could cost money, jobs, and the resources the project is expected to produce.

Finally, Mr. Latta's Federal Facility Accountability Act, H.R. 2318, helps ensure that the federal government will be a good neighbor wherever it owns or operates a site subject to CERCLA, the Superfund law. The bill allows states to enforce clean-up laws at federal sites, both operating and formerly run sites, the same way it enforces state law at any clean-up site.

I look forward to more opportunities to work closely with our states in the pursuit of sensible and thoughtful policies that protect jobs, modernize government, and keep the public safe. I urge all members to support each of these bills.

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