Opening Statement of Lisa P. Jackson
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Hearing on a Draft Bill to Eliminate Portions of the Clean Air Act
Subcommittee on Energy and Power
Committee on Energy and Commerce
United States House of Representatives
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Mr. Chairman and members of the Committee, thank you for inviting me to testify about Chairman Upton's draft bill to eliminate portions of the Clean Air Act, the landmark law that all American children and adults rely on to protect them from harmful air pollution.

In April 2007, in the case of *Massachusetts v. EPA*, the United States Supreme Court concluded that the Clean Air Act's definition of "air pollutant" includes greenhouse gas emissions.[1] The Court rejected the EPA Administrator's refusal to determine whether that pollution endangers Americans' health and welfare.[2]

Based on the best available peer-reviewed science and EPA's review of thousands of public comments, I found in December 2009 that manmade greenhouse gas emissions threaten the health and welfare of the American people.[3]

For its part, the National Academy of Sciences has stated that "there is a strong, credible body of evidence, based on multiple lines of research, documenting that the climate is changing and that these changes are in large part caused by human activities."[4] Eighteen of America's leading scientific societies have stated that multiple lines of evidence demonstrate that humans are changing the climate, that "contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science," and that "ongoing climate change will have broad impacts on society, including the global economy and the environment."[5] Scientists at the thirteen federal agencies that make up the U.S. Global Change Research Program have reported that climate change, due primarily to human-induced emissions of heat-trapping gases, poses significant risks to the wellbeing of the American public.[6]

Chairman Upton's bill would, in its own words, "repeal" the scientific finding regarding greenhouse gas emissions. Politicians overruling scientists on a scientific question – that would become part of this Committee's legacy.

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[1] 549 U.S. 497, 528-29 (2007).
[2] *Id.* at 533.
[3] 74 Fed. Reg. 66,496, *et seq.* (Dec. 15, 2009).
[4] National Research Council of the National Academies, *Advancing the Science of Climate Change*, 2010 (http://www.nap.edu/ catalog.php?record_id=12782#toc). "While much remains to be learned, the core phenomenon, scientific questions, and hypotheses have been examined thoroughly and have stood firm in the face of serious scientific debate and careful evaluation of alternative explanations." *Id. See also* May 2009 Statement by the National Academy of Sciences of the United States and the Science Academies of Twelve Other Nations (http://www.nationalacademies.org/includes/G8+5energy-climate09.pdf).
[5] October 21, 2009 Statement by Eighteen U.S. Scientific Societies (http://www.aaas.org/news/releases/2009/1021climate_letter.shtml).
[6] U.S. Global Change Research Program, *Global Climate Change Impacts in the United States* (2009) (http://downloads.globalchange.gov/usimpacts/pdfs/climate-impacts-report.pdf).

Last April, EPA and the Department of Transportation completed harmonized standards under the Clean Air Act and the Energy Independence and Security Act to decrease the oil consumption and greenhouse gas emissions of Model Year 2012-2016 cars and light trucks sold in the U.S.[7] An EPA analysis accompanying those standards projects that they will cause the oil consumption of the affected vehicles to be 1.85 billion barrels less than it otherwise would be, and their greenhouse gas emissions to be 962 million tons less.[8]

Chairman Upton's bill would block the Administration's announced plan to follow up with Clean Air Act standards for cars and light trucks of Model Years 2017 through 2025. Removing the Clean Air Act from the equation would forfeit, on a massive scale, both pollution reductions and oil savings that the combined program otherwise would achieve, because the compliance structure would be altered and also vehicle air conditioning systems no longer would be covered.

Until last month, there were no federal limits on the amount of carbon pollution that large industrial facilities release into the air. Some companies nevertheless have taken steps to limit their carbon pollution by using more energy efficient technologies. But other companies continue to seek short-term competitive advantage by doing nothing to limit their pollution.

Last month, EPA and many of our state partners began implementing safeguards under the Clean Air Act to address carbon pollution increases from the construction or expansion of large emitting facilities. A collection of eleven electric power companies observed that "EPA has proposed a reasonable approach focusing on improving the energy efficiency of new power plants and large industrial facilities."[9]

In addition, EPA has announced a schedule to establish uniform Clean Air Act performance standards for limiting carbon pollution at America's power plants and oil refineries.[10] Although EPA has not yet published proposed standards, I intend to base them on commercially available technologies with proven track records. The standards will reflect careful consideration of costs and incorporate as much compliance flexibility as possible.

Chairman Upton's bill would block the reasonable approach described above, thereby depriving American industry of investment certainty and new incentives for upgrading to advanced, clean energy technologies. The Small Business Majority and the Main Street Alliance have pointed out that such blocking action would have "negative implications for many businesses, large and small, that have enacted new practices to reduce their carbon footprint as part of their new business models. It would also hamper the growth of the clean energy sector of the economy – a sector that a majority of small business owners view as essential to their ability to compete."[11]

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[7] 75 Fed. Reg. 25,324, *et seq.* (May 7, 2010).
[8] *Id.* at 25,347 (Table I.C.2-2).
[9] November 15, 2010 statement by The Clean Energy Group Clean Air Policy Initiative (http://www.mjbradley.com/news_20101115_00.html).
[10] http://yosemite.epa.gov/opa/admpress.nsf/e77fdd4f5afd88a3852576b3005a604f/d2f038e9daed78de8525780200568bec!OpenDocument
[11] Small Business Majority and Main Street Alliance, *The Clean Air Act's Economic Benefits: Past, Present, and Future*, October 2010 (http://www.smallbusinessmajority.org/pdf/Benefits_of_CAA_100410.pdf).

The text of Chairman Upton's bill could have additional negative impacts that its drafters might not have intended. For example, the bill likely would prohibit EPA from taking further actions to implement the Renewable Fuels Program, which promotes the domestic production of advanced bio-fuels.

Chairman Upton's bill is not the only pending suggestion to delay, weaken, or eliminate Clean Air Act protections of the American public. I respectfully ask the members of this Committee to keep in mind that EPA's implementation of the Clean Air Act saves millions of American adults and children from the debilitating and expensive illnesses that occur when smokestacks and tailpipes release unrestricted amounts of harmful pollution into the air that all of us breathe. In 1990 alone, EPA's implementation of the Act prevented an estimated 18 million child respiratory illnesses, 850,000 asthma attacks, 674,000 cases of chronic bronchitis, and 205,000 premature deaths.[12] If Congress allows EPA to continue implementing the Act, then the benefits of that work are projected to reach $2 trillion in 2020 alone.[13] Over the period from 1990 through 2020, the benefits of implementing the Clean Air Act are projected to exceed the costs by a factor of more than 30 to 1.[14]

Thank you. I look forward to your questions.

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[12] EPA, *Section 812 Retrospective Analysis: The Benefits and Costs of the Clean Air Act, 1970 to 1990*, October 1997 (http://www.epa.gov/oar/sect812/1970-1990/chptr1_7.pdf).
[13] EPA, *Section 812 Prospective Analysis: The Benefits and Costs of the Clean Air Act, 1990 to 2020*, August 2010 (http://www.epa.gov/oar/sect812/aug10/fullreport.pdf).
[14] *Id.*