

ONE HUNDRED TWELFTH CONGRESS  
**Congress of the United States**  
**House of Representatives**  
COMMITTEE ON ENERGY AND COMMERCE  
2125 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6115

Majority (202) 225-2927  
Minority (202) 225-3641

**Opening Statement of Rep. Henry A. Waxman**  
**Ranking Member, Committee on Energy and Commerce**  
**Markup on H.R. 2021, the Jobs and Energy Permitting Act of 2011**  
**Committee on Energy and Commerce**  
**June 1, 2011**

Today, the Committee considers H.R. 2021, legislation to amend the Clean Air Act to expedite air permits for oil and gas operations on the Outer Continental Shelf.

Although this legislation has been promoted as an effort to address a limited problem relating to the coast of Alaska, this legislation would affect over 20 other coastal states and territories. And according to testimony received by the Subcommittee on Energy and Power, this legislation would do great damage to air quality in California and other coastal states.

I believe that the OCS air permitting process could be improved, so I reached out to the majority to see if they would work with me on the legislation. Unfortunately, the process went like so many other issues in this Congress. While we did have some staff discussions on the bill, Chairman Whitfield rejected my proposals and decided to pursue extreme changes to the law.

The result is a bill that will produce more pollution, more litigation, and less public participation.

I agree that section 328 has some ambiguities that could usefully be clarified. But each clarification doesn't have to have the effect of allowing more pollution and providing less public health protection for the nearby communities, as this bill does.

The Republicans say that it shouldn't take five years to get a permit. I agree, and EPA has explained that Shell's permits have not taken anywhere near five years. But this bill allows EPA just six months. The EPA Assistant Administrator for Air and Radiation testified that six months is too short to allow adequate technical analysis and public participation. I don't know why this Committee would simply ignore her views.

Last week, I offered an amendment that would have required the Department of Homeland Security to finish its review of the security plans at chemical facilities within 18 months. The Republican majority on the Committee rejected my amendment out of concerns that 18 months might not give the Department enough time. It is ironic that today the same members want to limit EPA to just six months.

The ostensible reason for the six-month deadline is concern about permit appeals delaying final decisions on permits. But this bill eliminates administrative review and forces all challenges into federal court in DC. That's only going to extend the time it will take to get a final resolution of permit disputes.

And we hear that we need to pass this bill to reduce gas prices, but that's nonsense. Even if Shell's permits were issued today, it would be well over a decade before the wells would start producing.

There are sensible improvements we could make, but we aren't making them. Instead, this bill waives environmental requirements and short-circuits permitting reviews.

That may boost oil company profits, but it won't lower prices or enhance our energy security.