

## Congressman West Statement on EPA Regulations

In the midst of a recession, it really defies all common sense that the EPA would move forward with instituting some 30 new costly regulations, without taking into account the job losses they will create. The EPA's complete disregard for the Regulatory Flexibility Act, a federal law designed to protect small businesses from unnecessary federal regulations, is also extremely troubling.

This hearing today was called to determine if the EPA is complying with the Regulatory Flexibility Act, which is intended to protect small businesses from severe government regulations by forcing federal agencies to account for the economic burdens the regulations impose on small business. Currently, unelected bureaucrats at the EPA are attempting to implement a scheme to regulate everything from greenhouse gases to fuel additives.

Glenn Johnston, vice president of regulatory affairs for Gevo Inc., an advanced biofuels company located in Englewood, Colorado, has state that the EPA regulations in the Clean Air Act are blocking his company from providing a bio-based alternative to petroleum-based fuels.

Gevo and the Advanced Biofuels industry in general believe that the EPA should review its regulatory regime and to the extent possible should assure that biofuels other than ethanol have equal and unfettered access to the market. The Clean Air Act would prohibit the use of isobutanol, a fuel source made from renewable raw materials that could be used as an alternative to gasoline in combustion engines. Gevo is working to develop the fuel, which would lessen our dependency on foreign oil.

Currently, almost half of America's energy is generated from coal and in 2009, 135 tons of coal ash was produced as a result. However, it is possible to recycle coal ash to make concrete and cement.

In the Agency's single-minded quest to gain more enforcement authority over the disposal of coal ash, EPA appears resolved to ignore the negative impacts of its actions on an entire recycling industry and the small businesses that comprise it. If the EPA succeeds in getting the regulations it wants, our nation will end up putting hundreds of millions of tons more material into landfills rather than safely recycling it.

Improving the quality of environmental work conditions and programs in the 22<sup>nd</sup> district is a priority. As we work together, I am considering every aspect of what is needed to build a vibrant and competitive city. One of the most pressing issues in our district is the state of our environment and the protection of public health for workers.

However, I will not allow the Obama Administration attempt to regulate where Congress has not used its legislative authority. The Clean Air Act Amendments, passed in 1990, include a requirement that the EPA doing assess the impact any regulation may have on jobs and the economy prior to issuing it. In *Massachusetts v. EPA*, the Supreme Court instructed the agency

to determine whether greenhouse gases like carbon dioxide pose a danger to human health and safety under the Clean Air Act. In December 2009, the EPA determined that the gases were a danger, and assumed the authority to take action against a wide range of enterprises from coal plants to paper mills to foundries.

Now, the EPA is further overreaching its authority to regulate emissions of hospitals, small businesses, schools, churches and perhaps even single-family homes. The end result of this overreach will be a decrease in energy sources at a time when the nation should be seeking new ones. The EPA's regulations equate to a 'none of the above' energy policy that will do nothing but cost jobs, make energy more expensive, and increase our dependence on foreign sources of energy.

I honestly believe that the best solution is for Congress to overturn the EPA's proposed greenhouse gas regulations. However, with the help of the Democratic House members, a sensible bipartisan effort to mandate that the EPA delay its regulations could assist with both job preservation and environmental safety.

I heard firsthand from small business owners who are already overwhelmed by a plethora of EPA mandates, not to mention other federal mandates such as Obamacare. The last thing small firms need is more onerous regulations that will prevent them from remaining profitable and unable to create jobs. Small businesses are the engines that drive our economy and the Obama administration must start recognizing this if they want to get our economy back on the right track.