

118TH CONGRESS }
1st Session } HOUSE OF REPRESENTATIVES { REPORT
118-

TO REQUIRE THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO AUTHORIZE THE USE OF FLEXIBLE AIR PERMITTING WITH RESPECT TO CERTAIN CRITICAL ENERGY RESOURCE FACILITIES, AND FOR OTHER PURPOSES

MARCH --, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and Commerce, submitted the following

R E P O R T

together with

VIEWS

[To accompany H.R. 1131]

[Including cost estimate of the Congressional Budget Office]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 1131) to require the Administrator of the Environmental Protection Agency to authorize the use of flexible air permitting with respect to certain critical energy resource facilities, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

H.R. 1131, TO REQUIRE THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY TO AUTHORIZE THE USE OF FLEXIBLE AIR PERMITTING WITH RESPECT TO CERTAIN CRITICAL ENERGY RESOURCE FACILITIES, AND FOR OTHER PURPOSES

COVER PAGE/AMENDMENT

[Attachment—Insert Cover Page/Amendment]

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PURPOSE AND SUMMARY

H.R. 1131, a bill to require the Administrator of the Environmental Protection Agency to authorize the use of flexible air permitting with respect to certain critical energy resource facilities, and for other purposes, was introduced by Rep. John Joyce (R-PA) and Rep. Rick W. Allen (R-GA) on February 21, 2023. H.R. 1131 would require the Environmental Protection Agency (EPA) Administrator to review and, as necessary, revise regulations concerning the Flexible Permitting Rule under the Clean Air Act, to authorize flexible permitting for owners and operators of critical energy resource facilities, as defined in the bill. Participation in this process enables owners and operators of the facilities to receive advance approvals from Clean Air Act permitting authorities by preparing in advance for potential increased operations to meet

changes in market demand, avoiding future delays to enable market-responsive operations.

BACKGROUND AND NEED FOR LEGISLATION

As recently as 1990, the United States was the world's number-one producer of minerals. By 2018, the United States had fallen to 12th overall in global non-fuel minerals production.¹ A 2022 Department of Energy (DOE) assessment of critical energy resource supply chain risks notes that China's control of key materials in renewable energy is "across the board," with China in control of "80% of rare earths production and refining that are key for components in technologies such as direct drive generators in wind turbines, and China also controls 61% of global lithium refining key for battery storage and electric vehicles. China also controls 100% of the processing of natural graphite used for battery anodes."²

The severity of this overdependence on other countries for critical minerals was brought to the public's attention by the report released during the Trump administration, which found the United States relies on imports for 31 of the 35 critical minerals necessary for the U.S. defense and economy.³ For 14 of the listed critical minerals, the United States relies completely on imports from other countries; having no U.S. production at all. As indicated in the above DOE assessment, recent Biden administration reviews confirm U.S. vulnerability.

Against this backdrop, Congress has taken action⁴ to support research and development, incentives, and interagency planning relating to critical minerals and materials, to reduce dependence on foreign supplies as demand increases for minerals- and materials-heavy energy resources.

¹ See testimony of Michelle Michot Foss before the Subcommittee on Environment and Climate Change hearing "Building a 100 Percent Clean Economy: Opportunities for and Equitable, Low-Carbon Recovery," September 16, 2020. (<https://docs.house.gov/meetings/IF/IF18/20200916/111008/HHRG-116-IF18-Wstate-MichotFossM-20200916-U1.pdf>)

² See Department of Energy "[America's Strategy to Secure the Supply Chain for a Robust Clean Energy Transition](#)," February 2022, p. 13)

³ See Testimony by the Honorable Mark W. Menezes at the Joint Energy, Climate, and Grid Security Subcommittee and Environment, Manufacturing, and Critical Materials Subcommittee Legislative Hearing, "Unleashing American Energy, Lowering Energy Costs, and Strengthening Supply Chains," February 7, 2023. ([energycommerce.gov](https://www.energycommerce.gov))

⁴ See, for example, critical mineral research and development provision in the Energy Act of 2020, the development of an interagency task force and other incentives in the Infrastructure Investment and Job Act, as well as the Inflation Reduction Act tax incentives. Legislation.

Given the importance of encouraging actual operations of refining and processing of critical energy minerals and materials for this effort, existing laws and regulations should be updated to ensure they accommodate domestic operations.

As former DOE Deputy Secretary Mark Menezes has testified before the Committee:

*Since 2009, EPA has allowed the use of its “Flexible Air Permitting Rule.” EPA promulgated this rule “to promote flexible air permitting (FAP) approaches that provide greater operational flexibility and, at the same time, ensure environmental protection and compliance with applicable laws.” EPA, however, limits FAP’s use. Thus, in order for the United States to accelerate its development of critical energy resources, a bill is necessary to require the EPA to allow FAP’s use by the owner or operator of a critical energy resource facility. This bill will facilitate the development and deployment of energy resources necessary to accelerate the production and deployment of materials necessary for the energy transition to a more decarbonized economy.”*⁵

The Committee finds that H.R. 1131 would provide important updates to existing Clean Air Act programs to help the development and growth of domestic operations of critical energy resource facilities, particularly those facilities necessary to process critical minerals and materials vulnerable to supply disruptions, while ensuring operations comply with all applicable Clean Air Act requirements. The Committee finds H.R. 1131, by directing the EPA Administrator to consider use of flexible permitting specifically for critical energy resource facilities and to ensure regulations would facilitate market responsive operations of these facilities, will enable these facilities to make rapid changes to respond to market demands, save resources for state permitting agencies and help strengthen competitiveness of domestic resource producers. The Committee finds that H.R. 1131 represents the kind of practical reforms necessary to secure American critical energy resources.

COMMITTEE ACTION

On February 7, 2023, the Subcommittees on Energy, Climate, and Grid Security and Environment, Manufacturing, and Critical Materials held a joint hearing entitled, “Unleashing American Energy, Lowering Energy Costs, and Strengthening Supply

⁵ Ibid.

Chains,” on 17 pieces of legislation, including H.R. 1131. The Subcommittees received testimony from:

- The Honorable Mark Menezes, Former United States Deputy Secretary of Energy, Department of Energy;
- The Honorable Bernard McNamee, Former Commissioner, Federal Energy Regulatory Commission;
- Jeffrey Eshelman, II, President and Chief Executive Officer, Independent Petroleum Association of America;
- Katie Sweeney, Executive Vice President and Chief Operating Officer, National Mining Association;
- Raul Garcia, Legislative Director for Healthy Communities, Earthjustice; and
- Tyson Slocum, Director of the Energy Program, Public Citizen.

On February 28, 2023, the Subcommittee on Environment, Manufacturing, and Critical Materials met in open markup session and forwarded H.R. 1131, without amendment, to the full Committee by a record vote of 13 yeas and 6 nays. On March 9, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 1131 favorably reported, without amendment, to the House by a record vote of 26 yeas and 20 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

[Attachments—Insert Votes]

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held a hearing and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 1131 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE #25**

BILL: H.R. 1131, A bill to require the EPA Administrator to authorize the use of flexible air permitting with respect to certain critical energy resource facilities.

AMENDMENT: An amendment offered by Rep. Tonko, No. 1.

DISPOSITION: **NOT AGREED TO**, by a roll call vote of 22 yeas and 25 nays.

| REPRESENTATIVE | YEAS | NAYS | PRESENT | REPRESENTATIVE | YEAS | NAYS | PRESENT |
|-------------------|------|------|---------|----------------------|------|------|---------|
| Rep. Rodgers | | X | | Rep. Pallone | X | | |
| Rep. Burgess | | X | | Rep. Eshoo | X | | |
| Rep. Latta | | X | | Rep. DeGette | X | | |
| Rep. Guthrie | | X | | Rep. Schakowsky | X | | |
| Rep. Griffith | | X | | Rep. Matsui | X | | |
| Rep. Bilirakis | | X | | Rep. Castor | X | | |
| Rep. Johnson | | X | | Rep. Sarbanes | X | | |
| Rep. Bucshon | | X | | Rep. Tonko | X | | |
| Rep. Hudson | | | | Rep. Clarke | X | | |
| Rep. Walberg | | X | | Rep. Cárdenas | X | | |
| Rep. Carter | | X | | Rep. Ruiz | X | | |
| Rep. Duncan | | X | | Rep. Peters | X | | |
| Rep. Palmer | | X | | Rep. Dingell | X | | |
| Rep. Dunn | | X | | Rep. Veasey | X | | |
| Rep. Curtis | | | | Rep. Kuster | X | | |
| Rep. Lesko | | X | | Rep. Kelly | X | | |
| Rep. Pence | | X | | Rep. Barragán | X | | |
| Rep. Crenshaw | | X | | Rep. Blunt Rochester | X | | |
| Rep. Joyce | | X | | Rep. Soto | X | | |
| Rep. Armstrong | | | | Rep. Craig | X | | |
| Rep. Weber | | X | | Rep. Schrier | | | |
| Rep. Allen | | X | | Rep. Trahan | X | | |
| Rep. Balderson | | X | | Rep. Fletcher | X | | |
| Rep. Fulcher | | X | | | | | |
| Rep. Pfluger | | X | | | | | |
| Rep. Harshbarger | | X | | | | | |
| Rep. Miller-Meeks | | X | | | | | |
| Rep. Cammack | | X | | | | | |
| Rep. Obernolte | | X | | | | | |
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**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE #26**

BILL: H.R. 1131, A bill to require the EPA Administrator to authorize the use of flexible air permitting with respect to certain critical energy resource facilities.

AMENDMENT: An amendment offered by Rep. Castor, No. 2.

DISPOSITION: **NOT AGREED TO**, by a roll call vote of 21 yeas and 25 nays.

| REPRESENTATIVE | YEAS | NAYS | PRESENT | REPRESENTATIVE | YEAS | NAYS | PRESENT |
|-------------------|------|------|---------|----------------------|------|------|---------|
| Rep. Rodgers | | X | | Rep. Pallone | X | | |
| Rep. Burgess | | X | | Rep. Eshoo | X | | |
| Rep. Latta | | X | | Rep. DeGette | X | | |
| Rep. Guthrie | | X | | Rep. Schakowsky | X | | |
| Rep. Griffith | | X | | Rep. Matsui | X | | |
| Rep. Bilirakis | | X | | Rep. Castor | X | | |
| Rep. Johnson | | X | | Rep. Sarbanes | X | | |
| Rep. Bucshon | | X | | Rep. Tonko | X | | |
| Rep. Hudson | | | | Rep. Clarke | X | | |
| Rep. Walberg | | X | | Rep. Cárdenas | X | | |
| Rep. Carter | | X | | Rep. Ruiz | X | | |
| Rep. Duncan | | X | | Rep. Peters | X | | |
| Rep. Palmer | | X | | Rep. Dingell | | | |
| Rep. Dunn | | X | | Rep. Veasey | X | | |
| Rep. Curtis | | | | Rep. Kuster | X | | |
| Rep. Lesko | | X | | Rep. Kelly | X | | |
| Rep. Pence | | X | | Rep. Barragán | X | | |
| Rep. Crenshaw | | | | Rep. Blunt Rochester | X | | |
| Rep. Joyce | | X | | Rep. Soto | X | | |
| Rep. Armstrong | | X | | Rep. Craig | X | | |
| Rep. Weber | | X | | Rep. Schrier | | | |
| Rep. Allen | | X | | Rep. Trahan | X | | |
| Rep. Balderson | | X | | Rep. Fletcher | X | | |
| Rep. Fulcher | | X | | | | | |
| Rep. Pfluger | | X | | | | | |
| Rep. Harshbarger | | X | | | | | |
| Rep. Miller-Meeks | | | | | | | |
| Rep. Cammack | | X | | | | | |
| Rep. Obernolte | | X | | | | | |
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**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE #27**

BILL: H.R. 1131, A bill to require the EPA Administrator to authorize the use of flexible air permitting with respect to certain critical energy resource facilities.

AMENDMENT: A motion by Mrs. Rodgers to order H.R. 1131 favorably reported to the House, without amendment.

DISPOSITION: **AGREED TO**, by a roll call vote of 26 yeas and 20 nays.

| REPRESENTATIVE | YEAS | NAYS | PRESENT | REPRESENTATIVE | YEAS | NAYS | PRESENT |
|-------------------|------|------|---------|----------------------|------|------|---------|
| Rep. Rodgers | X | | | Rep. Pallone | | X | |
| Rep. Burgess | X | | | Rep. Eshoo | | X | |
| Rep. Latta | X | | | Rep. DeGette | | X | |
| Rep. Guthrie | X | | | Rep. Schakowsky | | X | |
| Rep. Griffith | X | | | Rep. Matsui | | X | |
| Rep. Bilirakis | X | | | Rep. Castor | | X | |
| Rep. Johnson | X | | | Rep. Sarbanes | | X | |
| Rep. Bucshon | X | | | Rep. Tonko | | X | |
| Rep. Hudson | | | | Rep. Clarke | | X | |
| Rep. Walberg | X | | | Rep. Cárdenas | | X | |
| Rep. Carter | X | | | Rep. Ruiz | | X | |
| Rep. Duncan | X | | | Rep. Peters | | X | |
| Rep. Palmer | X | | | Rep. Dingell | | | |
| Rep. Dunn | X | | | Rep. Veasey | | X | |
| Rep. Curtis | | | | Rep. Kuster | | | |
| Rep. Lesko | X | | | Rep. Kelly | | X | |
| Rep. Pence | X | | | Rep. Barragán | | X | |
| Rep. Crenshaw | | | | Rep. Blunt Rochester | | X | |
| Rep. Joyce | X | | | Rep. Soto | | X | |
| Rep. Armstrong | X | | | Rep. Craig | | X | |
| Rep. Weber | X | | | Rep. Schrier | | | |
| Rep. Allen | X | | | Rep. Trahan | | X | |
| Rep. Balderson | X | | | Rep. Fletcher | | X | |
| Rep. Fulcher | X | | | | | | |
| Rep. Pfluger | X | | | | | | |
| Rep. Harshbarger | X | | | | | | |
| Rep. Miller-Meeks | X | | | | | | |
| Rep. Cammack | X | | | | | | |
| Rep. Obernolte | X | | | | | | |
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CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to provide flexible permitting under the Clean Air Act to enable market-responsive operations.

The goal of the bill is to increase American energy production and restore energy leadership by authorizing the use of flexible air permitting with respect to certain critical energy resource facilities.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 1131 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111-139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII,

(1) the following hearings were used to develop or consider H.R. 1131:

On January 31, 2023, the Committee on Energy and Commerce held an oversight hearing, entitled: “American Energy Expansion: Strengthening Economic, Environmental, and National Security”. The Committee received testimony from:

- The Honorable Paul Dabbar, Former U.S. Undersecretary of Energy, Department of Energy;

- Donna Jackson, Director of Membership Development, National Center for Public Policy Research, Project 21;
- Robert McNally, President, Rapidan Energy Group; and
- Ana Unruh Cohen, Ph.D., Former Staff Director, U.S House Select Committee on the Climate Crisis.

(2) The following related hearing was held:

On February 7, 2023, the Subcommittees on Energy, Climate, and Grid Security and Environment, Manufacturing, and Critical Materials held a joint hearing entitled, “Unleashing American Energy, Lowering Energy Costs, and Strengthening Supply Chains,” on 17 pieces of legislation, including H.R. 1131. The Subcommittees received testimony from:

- The Honorable Mark Menezes, Former United States Deputy Secretary of Energy, Department of Energy;
- The Honorable Bernard McNamee, Former Commissioner, Federal Energy Regulatory Commission;
- Jeffrey Eshelman, II, President and Chief Executive Officer, Independent Petroleum Association of America;
- Katie Sweeney, Executive Vice President and Chief Operating Officer, National Mining Association;
- Raul Garcia, Legislative Director for Healthy Communities, Earthjustice; and
- Tyson Slocum, Director of the Energy Program, Public Citizen.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 1131 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Flexible Air Permits for Critical Energy Resource Facilities

Section 1 provides that the Administrator of the Environmental Protection Agency shall review and, as necessary revise regulations concerning the Flexible Permitting Rule under the Clean Air Act, to authorize flexible permitting for owners and operators of critical energy resource facilities and facilitate flexible, market-responsive operations of these facilities, and defines critical energy resources and critical energy resource facilities.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

MINORITY VIEWS

[Attachment--Views]

Committee on Energy and Commerce

MINORITY VIEWS

H.R. 1131, a bill to require the Administrator of the Environmental Protection Agency to authorize the use of flexible air permitting with respect to certain critical energy resources facilities, and for other purposes.

We oppose H.R. 1131, a bill that would compel the Administrator of the Environmental Protection Agency (EPA) to authorize the use of Clean Air Act (CAA) flexible air permits for all “critical energy resource facilities.” H.R. 1131 is unnecessary, as EPA and states can already issue flexible air permits, when appropriate. Directing the EPA Administrator to unilaterally grant flexible air permits to every facility that the Secretary of Energy deems “critical,” regardless of situation or previous track record, creates a massive loophole in the CAA and puts public health and the welfare of communities at risk.

BACKGROUND

Title V of the CAA requires all states to develop operating permit programs, requiring each industrial facility that is a “major source” of air pollution to obtain an operating permit.¹ These permits are legally-enforceable documents designed to improve compliance by clarifying what facilities must do to control air pollution, and detail federal and state air pollution control requirements that apply. State and local permitting authorities have primary responsibility for issuing most Title V permits, while EPA regional offices issue permits in certain circumstances.

In 2009, EPA finalized a rule to promote the use of flexible air permits with the goal of providing greater operational, market-responsive flexibility while ensuring environmental protection and compliance with applicable CAA requirements.² A flexible air permit contains approaches that allow the regulated source to make certain types of operational changes without the need for further review or approval by the permitting authority. These permits are considered and granted by states and EPA on a case-by-case basis, and include specifications and conditions for each facility based on its unique operational and regulatory circumstances. Based on a series of extensive pilot programs that informed the 2009 rule, EPA found that flexible air permitting approaches would be relevant for a variety of industries, including: aerospace manufacturing, automobile manufacturing, industrial organic chemicals, chemical processes, converted paper and paperboard products, magnetic tape manufacturing, petroleum refining, other coating operations, paper mills, pharmaceutical manufacturing, printing and publishing, pulp and paper mills, semiconductors, and specialty batch chemical processes.³

H.R. 1131 is a legislative solution in search of a problem. The proponents claim it is necessary to give “critical energy resource facilities” the opportunity and flexibility to promptly

¹ Environmental Protection Agency, *Operating Permits Issued under Title V of the Clean Air Act* (www.epa.gov/title-v-operating-permits) (accessed Mar. 21, 2023).

² Environmental Protection Agency, *Operating Permit Programs; Flexible Air Permitting Rule*, 74 Fed. Reg. 51417 (Oct. 6, 2009) (rule).

³ *Id.*

respond to market demands through operational changes. This argument fails to recognize that a wide variety of facilities, specifically those related to energy production, are already eligible for flexible air permits, if appropriate.

SUMMARY OF THE ACT

Section 1(a) would require the EPA Administrator to authorize the use of flexible air permitting for any so-called “critical energy resource facility.” This language demonstrates a failure to recognize the role states play in issuing flexible air permits, and the importance of thoughtful review by permitting authorities. Section 1(a) would compel the EPA Administrator to run roughshod over state and local permitting authorities, granting flexible air permits with no regard for each facility’s specific situation.

The use of flexible air permits certainly makes sense in specific situations, however, that’s not always the case. This blanket flexible air permit approach empowers bad actors to skirt pollution control requirements, as demonstrated by past abuses of the flexible air permits at facilities like the former Limetree Bay Refinery in the U.S. Virgin Islands⁴. Democratic Committee members offered amendments to address the issue of bad actors qualifying for flexible air permits, to protect the environment and public health of the communities living near these facilities. Every Republican Committee member voted against an amendment excluding facilities that have previously violated the Clean Air Act from being eligible for flexible air permits.

Section 1(b) defines “critical energy resource” as “...any energy resource that is essential to the energy sector and energy systems of the United States, and the supply chain of which is vulnerable to disruption,” as determined by the Secretary of Energy. The bill does not define, provide parameters, or metrics for the Secretary to use in making such determinations, essentially allowing the Secretary to deem almost anything a “critical energy resource,” “essential to the energy sector and energy system of the United States,” and “vulnerable to supply chain disruptions.” The bill fails to include any public review, or accountability measures related to the Secretary’s determinations. And putting the Secretary of Energy in charge of determining which flexible air permits EPA and states are allowed to require, sets a troubling precedent.

Due to the all-encompassing definition of “critical energy resource,” essentially any category of industrial facility could be considered a “critical energy resource facility,” and would automatically be eligible for a flexible air permit. Based on these definitions, EPA would be compelled to grant a flexible air permit without due process, for the following facilities: solid waste incinerators, hazardous waste combustors, Portland cement manufacturers, mercury cell chlor-alkali plants, secondary lead smelters, carbon black production, chemical manufacturing, primary copper smelting, secondary copper smelting, nonferrous metals area sources (zinc, cadmium, and beryllium), glass manufacturing, and gold mine ore processing and production, among others.

⁴ Environmental Protection Agency, *EPA Withdraws Plantwide Applicability Limit Permit for Limetree Bay Refinery in the U.S. Virgin Islands, Will Review Clean Air Act Requirements for the Facility* (Mar. 25, 2021) (press release).

Since H.R. 1311 grants the Secretary of Energy enormous latitude to determine what qualifies as a critical energy resource, this list demonstrates the wide range of polluting industrial categories that could be granted flexible air permits, regardless of their regulatory history or operational needs.

CONCLUSION

We oppose H.R. 1131. As drafted, this bill would force the EPA Administrator to put public health and the welfare of communities surrounding so-called critical energy resource facilities at risk by granting blanket air permits, even to facilities that have previously violated the CAA. H.R. 1131 will not “cut red tape” as the Majority claims. It is a clear handout to polluters at the expense of vulnerable communities that will be harmed by the bill’s erosion of basic environmental safeguards.

For the reasons stated above, we dissent from the views contained in the Committee’s report.

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.
Ranking Member
Committee on Energy and Commerce