

**Opening Statement of Senator Shelley Moore Capito
Chair, Subcommittee on Clean Air and Nuclear Safety
Senate Committee on Environment and Public Works
Hearing on Regulatory Relief Bills
November 14, 2017**

(As prepared for delivery)

I don't think anyone can argue that the volume of federal regulation has grown over the decades, and the last decade in particular saw an explosion in red tape.

The Code of Federal Regulations has grown from 71,224 pages in 1975 to 185,053 at the end of last year.

The Federal Register mirrors this regulatory expansion—last year's 95,894 shattered the record for most pages added in a single year. Of the 10 highest annual Federal Register page counts, seven occurred during the Obama administration.

The results of all that regulation have been predictable.

The slowest economic recovery from any recession since World War II.

An increase in litigation instead of investment.

Meager job creation and wage growth.

More businesses are dying than are being opened.

And a transfer of power—I would argue even of legislative authority itself—from Congress to the Executive Branch that would confound the Framers of the Constitution.

Politicians, bureaucrats and the media have been fixated on the biggest, most headline-grabbing regulations of the past few years: Obamacare implementation, Dodd-Frank, and the EPA's Clean Power Plan.

While these are massive regulatory expansions touching huge sectors of the economy and rightfully deserve public and political scrutiny, there are many more regulations being imposed outside the spotlight, largely unnoticed.

Well, as today's hearing will demonstrate, they haven't gone unnoticed by the businesses, families and communities suffering the impacts of all this new red tape.

The four bills being considered by the subcommittee today are narrowly targeted to simply and easily provide regulatory relief and certainty for industries that will unnecessarily suffer outsized costs from EPA rules and actions.

As we will hear, the companies affected aren't huge multinationals, but American family businesses across the country, their workers and their customers.

My bipartisan bill, S. 1857—introduced with Senators Shelby, McCaskill and Manchin—would extend the deadline by three years for the wood heater industry to meet new emissions standards.

That extension is vital for them to develop, engineer, test, manufacture and distribute to retailers models that are compliant with the new standards.

It also makes commonsense when the EPA itself has not even certified the new test procedure for these wood stoves and hydronic heaters. It is hard for anyone to study for a test when you don't know what will be on it.

Senator Wicker's S. 839, the *BRICK Act*—of which I am a cosponsor—will similarly extend the compliance deadline on rules regulating emissions from brick manufacturing until litigation on the issue is complete.

Senator Burr's S. 203, the *RPM Act*—which I have also cosponsored—would clarify that vehicles used solely for competition are not to be treated like the cars that drive on our nation's roads. Congress never intended for cars that have been modified from street use to use only on racetracks to be regulated.

Racecars cannot and should not be held to the same standards as passenger vehicles. The EPA tried to circumvent the language of the *Clean Air Act* by creating a regulatory regime that would hurt not only the motor sports industry, but Americans all over the country who enjoy the hobby of tracking modified vehicles.

Senator Sullivan's S. 1934, the *Alaska Remote Generator Reliability and Protection Act*, will ensure that remote communities have access to reliable power. The diesel generators upon which communities in remote Alaska rely cannot be required to install emissions controls if that would put the health and welfare of Alaskans at risk.

I look forward to discussing how these narrow, straightforward relief bills will benefit American workers, consumers and families—because the costs to all of our constituents are real.

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