



COMMITTEE ON
SCIENCE, SPACE, & TECHNOLOGY
Lamar Smith, Chairman

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Statement of Chairman Lamar Smith (R-Texas)

Racing to Regulate: EPA's Latest Overreach on Amateur Drivers

Chairman Smith: The Science Committee has held many hearings on the regulatory overreach of the Environmental Protection Agency (EPA) during this administration.

Unfortunately, the EPA once again now attempts to unnecessarily and unlawfully regulate the lives of the American people.

The Committee has often revealed how the EPA's regulatory overreach will cost billions of dollars, cause financial hardship for American families, and diminish the competitiveness of American employers, all with no significant benefit to climate change, public health, or the economy.

The EPA has rushed through many costly and burdensome regulations throughout this administration. Examples include the strict new National Ambient Air Quality standards for ozone, Waters of the U.S., and the Clean Power Plan.

Today, we will hear about how the EPA wants to expand its Clean Air Act authority and enforce it against amateur racecar drivers and the industry that supplies amateur racers with parts and modifications. This is an industry that supports American small business jobs, manufacturing, and technology.

For the first time, the EPA seeks to impose the Clean Air Act on all non-road vehicles used for racing competitions. This includes vehicles that have been legally de-registered so they can be modified for use in racing.

Congress never intended the Clean Air Act to apply to these vehicles and the law is clear on this point. Racecars are not regulated by this law. However, EPA has now put into question the legality of non-road vehicles modified to become racecars. The EPA's proposed expansion of authority demonstrates the agency's willingness to resort to backdoor and secretive means to push its agenda.

Agency officials buried this new provision in a proposed rule on emissions standards for medium and heavy-duty trucks—a regulation that is unrelated to vehicles modified for racing. In fact, it took industry stakeholders beyond the official comment period to discover that the EPA had even included this provision in the rule.

EPA's actions show that the agency acted in an arbitrary and capricious manner, in violation of the Administrative Procedures Act because the agency failed to give proper notice to the stakeholders that would be affected by this provision. Even EPA Administrator Gina McCarthy herself seemed to be caught off guard by her own agency's latest power grab.

In a hearing before the House Agriculture Committee, Administrator McCarthy correctly asserted that EPA does not have Clean Air Act authority over non-road vehicles modified for competition. If the Administrator agrees that the agency does not have this authority, then why would the EPA even propose this rule?

This regulation of competition vehicles will have a devastating impact on amateur racers and the manufacturers that produce components for this industry. NASCAR is one of the most popular spectator sports in the country with over 75 million fans. Amateur racers are often the minor leagues for NASCAR drivers. Nearly all businesses that manufacture components for this industry could become the subject of enforcement actions by the EPA.

This overreach has the potential to result in billions of dollars in enforcement penalties simply for the production of items that have been legally used by amateur racers for years. It will stifle technological advances in this field and cause the loss of many American jobs.

It is a pleasure to welcome the Deputy Majority Whip Patrick McHenry to today's hearing. Last week, Rep. McHenry introduced H.R. 4715, the Recognizing the Protection of Motorsports Act of 2016. This bill would prevent the EPA from taking action on amateur racing under the Clean Air Act. I support Rep. McHenry's efforts to assist amateur racers and the industry, technology and jobs that rely on them. As we have seen countless times, EPA's regulatory agenda is bad for the American economy and for the American people. We simply cannot allow a federal agency to assume power that Congress has not given it.

The Science Committee will continue to rein in the EPA when it oversteps its authority. There is no public scientific justification presented for this regulation. Contrary to the EPA's agenda, Americans want to be free from overly burdensome regulations, not tied up in more.

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