

COMMITTEE ON  
**SCIENCE, SPACE, AND  
TECHNOLOGY**  
CHAIRMAN LAMAR SMITH



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**Statement of Chairman Lamar Smith (R-Texas)  
Hearing on EPA Power Plant Regulations: Is the Technology Ready?**

**Chairman Smith:** Today's hearing will allow us to hear from top experts in energy and environment fields and examine important technical issues associated with EPA's new power plant regulations.

In the regulatory process, it's often difficult to separate technical issues from legal issues. And the technology question we focus on here today is also ultimately a legal question.

If you take a look at the EPA's rule on air quality standards, the proposal looks more like a legal brief than a rule about protecting the air.

It appears the EPA is up to an old legal trick: If you can't win the argument on the merits, start arguing about the definition of words.

In this proposal, the EPA re-defines the law to accommodate its ever-expanding regulatory agenda. By re-defining what the term, "adequately demonstrated," means in the Clean Air Act, the EPA is making another major power grab—one that reaches well beyond coal.

That's because the New Source Performance Standards for power plants is the first greenhouse gas standard under the Clean Air Act. Consequently, it sets the precedent for all other sources, and underpins everything from the price we pay at the pump to the cost of electricity and food.

If the EPA continues to play fast-and-loose with the law, we can expect to see more costly, heavy-handed rules that risk jobs and economic growth. Working families will bear these costs.

Even more troubling is the way this proposal appears to intentionally block the courts from reviewing the rule. By claiming that no one will build coal-fired power plants anyway, the EPA wants to prevent the courts from reviewing the rule on its merits.

Our founders recognized that elections alone may not provide adequate protection for the liberties they fought so hard to establish. They made sure that the Constitution provides a means for the American people to obtain a fair hearing before impartial judges.

This may be one of the most under-rated rights Americans enjoy today: the Right to Judicial Review. This proposal is an attempt to prevent Judicial Review. Americans deserve to understand exactly what this proposal would do and retain the right to challenge it.

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