



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

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Statement of Oversight Subcommittee Chairman Barry Loudermilk (R-Ga.)
Racing to Regulate: EPA's Latest Overreach on Amateur Drivers

Chairman Loudermilk: Good morning. Today's hearing is an examination of the EPA's effort to use the Clean Air Act to regulate amateur race cars, which is yet another example of EPA regulatory overreach. In this case, the EPA is attempting to enforce the Clean Air Act in a way that Congress never intended, and is doing so in a covert manner.

Earlier this year, the EPA issued a proposed rule to establish greenhouse gas and fuel consumption regulations for new on-road medium and heavy-duty trucks. Hidden within the 629 page proposed rule on page 584, in the miscellaneous section is a sentence that states:

"Certified motor vehicles and motor vehicle engines and their emission control devices must remain in their certified configuration even if they are used solely for competition or if they become nonroad vehicles or engines."

The impact of that sentence cannot be understated. The proposed regulation would affect any vehicle used for racing that started as a street or production car. Race cars are fast and have been modified to be fast and safe. As a result, race cars strictly used at the track are not typically emissions compliant. Any race car that has a VIN plate, installed at the factory, can no longer be out of compliance under this proposed rule. This applies to race cars used strictly at drag strips, oval tracks, and other types of racing, with no intention of ever seeing the open road again.

The proposed regulation would have a devastating effect on the motorsports industry and the industry that supplies the products, technology, and services for the racing community. The specialty equipment automotive aftermarket employs over one million Americans across the nation representing nearly \$1.4 billion in sales of racing related products annually. In my home state of Georgia, the Atlanta Motor Speedway contributes \$455 million a year to the Atlanta economy. The South Georgia Motorsports Park located in Cecil, Georgia attracts over 200,000 people a year generating an estimated \$37 million into the economy of South Georgia.

In addition to the major raceways throughout our country, there are thousands of local tracks that would be devastated by this new regulation. For example, the Dixie Speedway in my district in Woodstock, Georgia, is a popular community track that

brings in 150,000 visitors a year. If the EPA uses this regulation to dismantle the race equipment manufacturing industry, drivers at tracks like these would be unable to find many of the parts that they need for their race cars. If the Dixie Speedway was to go out of business, our community would lose tremendous amounts of commercial activity, tourism, and recreation that have been part of our local economy and culture since the Speedway opened in 1968.

What is most frustrating to me is the secretive manner that the EPA attempted to sneak in this clarification of authority – they deliberately did this under the radar of the American people. The EPA violated the Administrative Procedures Act requiring adequate opportunity for the public and interested parties to comment on proposed rules. There was no mention of this significant policy change in the table of contents of the 629 page rule. It was included with other minor issues in “Section 14. Other Proposed Regulatory Provisions”.

The proposed rule establishes next generation greenhouse gas emissions standards for medium and heavy-duty engines and vehicles. The inclusion of an unrelated topic within a series of rule makings is unprecedented and non-germane. The EPA is seeking to change policy that has been in place for decades and does not explain the purpose for changing language to prohibit race cars from being emissions non-compliant. To change policy without proper notice would likely be arbitrary, capricious, and in violation of the Administrative Procedures Act. EPA failed to provide any notice to the regulated industry in this case.

To date, millions of cars have been modified to be used strictly at the race track. Products have been manufactured and installed on race-only vehicles since the automobile was invented. Automotive racing is part of the soul of this country. It is our responsibility to shine a light on the EPA's attempt to eliminate a part of who we are as a nation with one sentence in an unrelated rule. I thank the witnesses for being here today, particularly Mr. McHenry who introduced H.R. 4715, which clarifies the intent of Congress in the Clean Air Act to exclude vehicles used solely for competition. Mr. McHenry, we appreciate your leadership on this important issue. With that, I recognize the Ranking Member for his opening statement.

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