

Committee on Energy and Commerce

**Opening Statement as Prepared for Delivery
of**

**Subcommittee on Environment
Ranking Member Paul Tonko**

Hearing on "From Gridlock to Growth: Permitting Reform Under the Clean Air Act"

September 16, 2025

Thank you, Mr. Chair, and welcome to our witnesses. I would like to especially recognize Ms. Kunz with Micron.

Micron is making historic investments in Upstate New York, creating thousands of well-paying jobs and revitalizing communities that have been rusty in recent decades into hubs for the next generation of advanced manufacturing in the United States. I am grateful for those investments to breathe new life into our region and help secure our nation's future economic competitiveness in such an important, strategic industry.

This is an exciting time, but I also recognize there is a right way to develop these types of projects — one that allows for community engagement and mitigation of environmental harms — and there's a wrong way — where we cut corners, take short cuts, and exempt our way out of needing to care about pollution and its health consequences.

While I do not doubt that some Clean Air Act permitting processes could be re-examined, we should not overlook how effective the law has been historically at allowing our economy to grow while reducing dangerous air pollution. And as I have said at past hearings, I do not take this past success as evidence that we require a dramatic departure from the law.

On the contrary, there is still much more work to do to ensure all Americans can breathe healthy air. More than 156 million Americans are living in places with unhealthy levels of ozone or particle pollution.

This is not the first set of proposals to reform the Clean Air Act examined by the Subcommittee this year. And much like that first slate, I have serious concerns with each of the bills before us today. Of all of the bills on the docket, I want to single out the Air Permitting Improvements to Protect National Security Act, which would create a new Presidential exemption in the Clean Air Act.

Unfortunately, we have already seen EPA and President Trump completely abuse the exemption process established in Section 112(i)(4) of the Act for national emissions standards for hazardous air pollutants. EPA solicited requests for exemptions from regulated entities, and the President has granted them with essentially no public process or justification.

This is a horrible, opaque way to manage environmental regulations, allowing the President to handpick individual firms — potentially for political reasons — to receive special treatment at the expense of the people that live near these polluting facilities.

Creating another Presidential exemption process after seeing how the existing process has been so brazenly abused by this Administration would be a dereliction of our duty as the Subcommittee with jurisdiction over the Clean Air Act.

But with that said, I know there remains significant stakeholder interest in Congress pursuing some version of bipartisan permitting reform. From my perspective, those negotiations cannot happen while the Trump Administration continues to provide zero confidence that any bipartisan agreement in Congress would be honored and implemented as intended.

There is a long and growing record of the Trump Administration playing favorites among certain technologies and individual firms, doing favors for political allies, and threatening retaliation against those that object. Meanwhile, EPA is carrying out a deregulatory agenda that is eroding critical public health protections, including numerous air pollution rules that would have saved thousands of American lives. This is not fostering a foundation that will allow bipartisan negotiations to succeed.

Finally, I suspect that today it might be suggested that the Clean Air Act has gone 35 years without a major overhaul and is in need of modernization. People might be surprised to hear that I do not disagree. But modernization of our bedrock environmental laws should not just be a shorthand for enacting a deregulatory agenda. We should consider the challenges our country is facing at this moment and develop targeted solutions for them.

The 1990 Amendments tackled many of the issues of that era, including establishing the acid rain program and putting new emphasis on addressing hazardous air pollutants. Today, we should seek to provide similar regulatory certainty to meet our current moment. If we are serious about modernizing the Clean Air Act, let's start by enacting a long-term program to phase down greenhouse gas emissions.

I would welcome the conversation with the majority about how we can provide appropriate regulatory certainty and compliance flexibility while still allowing us to reduce this dangerous pollution and grow our economy.

With that, I yield back.