

Oral Testimony of Mark Herbst
On The American Energy Initiative: A Focus on the New Proposal to
Tighten National Standards for Fine Particulate Matter
Before the United States House of Representatives
Energy and Commerce Committee
Subcommittee on Energy and Power
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Mr. Chairman Whitfield, Representative Rush, members of the subcommittee: I am Mark Herbst, executive director of the Long Island Contractors Association, and I am here today on behalf of the American Road and Transportation Builders Association.

A-R-T-B-A, now in its 110th year of service, provides federal representation for more than 5,000 members drawn from all business sectors of the U.S. transportation construction industry, public and private. Our industry generates more than \$200 billion annually in U.S. economic activity and sustains more than 2.2 million American jobs.

We appreciate this opportunity to discuss the Environmental Protection Agency's recent decision to recommend tightening the federal Clean Air Act standards for particulate matter.

At the outset, please know that we share your interest in assuring that all Americans both breathe clean air and are able to be part of a sound and stable economy.

With this in mind, it is essential that all parties involved in this proposal recognize any tightening of the P-M standard

would increase the number of counties that do not comply with federal standards. As a result, federal highway funds can be withheld from these communities.

This reality creates a counterproductive cycle where new standards delay needed improvements to the nation's highway and bridge network, which has already reached "critical mass" in terms of being able to serve the needs of our citizens and economy. In many cases, the projects put on hold or cancelled are intended to alleviate traffic congestion—a major cause of mobile source emissions.

The stated goal of the P-M standards is in part to improve public health. Policy makers, however, must be cognizant of the impact more stringent P-M standards would have on other federal objectives. Nearly 32,000 people die on U.S. highways each year and many federal-aid highway improvements are intended to address safety issues. As such, E-P-A's recommendation to tighten P-M standards clearly emphasizes one public health threat over another.

States and counties need predictability and time to develop transportation plans which achieve P-M reduction and create jobs. Adding a new layer of requirements on top of existing standards that have not been fully implemented only complicates these ongoing efforts. Specifically, existing projects deemed to be in compliance with the Clean Air Act when first undertaken could be thrown out of compliance if new standards are approved, exposing project owners to costly, time-consuming litigation.

It should be noted that Committee's examination of E-P-A's proposed P-M standards is particularly well-timed as it coincides with efforts to complete the long-overdue reauthorization of the federal surface transportation program. With House and Senate conferees presently meeting around the clock on the transportation bill, all sides are characterizing it as a "jobs bill."

Allowing this much needed legislation to be followed by implementation of E-P-A's recommended P-M standards is at best two steps forward and one step back. Providing resources and important policy reforms to help states deliver critical transportation improvements, while at the same time allowing E-P-A to greatly reduce the areas where transportation projects can move forward, actually undermines the goal behind the surface transportation bill.

It is ironic that members of both chambers and parties have made streamlining the environmental review and approval process for transportation projects a priority of the transportation bill, yet few talk about how E-P-A's P-M proposal will severely disrupt the very process they are trying to make more effective.

Essentially, while any streamlining reforms in the reauthorization bill could save years during the project delivery process, the E-P-A's proposed P-M standards will severely restrict the opportunities states have to take advantage of these reforms.

Rather than implement tighter P-M standards, E-P-A should focus on fully implementing the current standards that are already producing improvements in U.S. air quality.

Mr. Chairman, Ranking Member Rush, members of the subcommittee, A-R-T-B-A deeply appreciates this opportunity to present testimony to you on this important issue. I look forward to answering any questions you might have.