

**OPENING STATEMENT**  
**Ranking Member Eddie Bernice Johnson**  
*Full Committee Markup*

**H.R. 875**, *To provide for a comprehensive assessment of the scientific and technical research on the implications of the use of mid-level ethanol blends, and for other purposes, and*  
**H.R. 1422**, *the EPA Science Advisory Board Reform Act of 2013*

April 11, 2013

Thank you Chairman Smith.

Today, we are marking up two pieces of legislation:

H.R. 875, To provide for a comprehensive assessment of the scientific and technical research on the implications of the use of mid-level ethanol blends, and for other purposes, and,  
H.R. 1422, the EPA Science Advisory Board Reform Act of 2013.

Let me say at the outset that I am disappointed the Committee is not following regular order on these bills. This Committee has a good tradition of following regular order in the movement of legislation, and that tradition has served both sides of the aisle well over the years. Regular order is not an arbitrary concept. It is a time tested means to perfect legislation.

Moreover, I think it fosters bipartisanship. The last time Democrats controlled this Committee we held 25 subcommittee markups in four years, and took 45 bills through those markups. And as former Chairman Bart Gordon liked to brag, every one of those bills had at least some Republican support. I do not think that is a coincidence. I hope we can get back to that tradition sooner rather than later.

Unfortunately I cannot support the two bills we are marking up today in their current form. I'm glad to see the Democratic Members have so many amendments to improve these bills, because they need much improvement.

H.R. 875 is a reread of an almost identical bill this Committee marked up last Congress. Last year, after a contentious markup, the Committee didn't even bother reporting the bill to the House. I think it's curious that the Committee is spending time today marking up a bill that had so many flaws that we couldn't even bother to file a report on it in the last Congress.

One reason the Majority may have squashed the bill last Congress is that it represents everything the Republican Party platform says is bad about the government. I will explain in layman's terms what the bill does.

The bill forces the EPA to regulate a product out of existence rather than let free market forces dictate the success of E15. The stated justification for this is that consumers are too stupid to use this product correctly. The Majority apparently has lost all faith in both consumers and the free market system to deal with E15.

So today I will support the free market system, and oppose this bill and the Majority's attempt to expand the nanny-state. These are strange days indeed.

Next the Committee will consider H.R. 1422, which alters the EPA's Science Advisory Board process for the worse. This bill is a naked attempt to reduce legitimate scientific input at the Board, and replace it with industry funded input. If that weren't bad enough, the bill contains several provisions which appear designed to bury the Board in a mountain of work simply to keep it from getting anything accomplished.

For these reasons, it should not be surprising that groups like the Union of Concerned Scientists, Natural Resources Defense Council, Environmental Defense Fund, Clean Water Action, Physicians for Social Responsibility, Earthjustice, and the League of Conservation Voters oppose the bill.

I have two letters from these organizations stating their opposition, and I ask that they be included in the record.

Democratic Members have submitted a number of good amendments to correct the deficiencies in the bill, and I look forward to supporting them, and I look forward to a good markup, but a markup that should first have occurred at the subcommittee level.