

## **OPENING STATEMENT**

Ranking Member Don Beyer (D-VA) of the Subcommittee on Oversight

House Committee on Science, Space, and Technology  
Subcommittee on Oversight

*“Racing to Regulate: EPA’s Latest Overreach on Amateur Drivers”*

March 15, 2016

Thank you Chairman Loudermilk. I appreciate you holding this hearing today.

While I admit the title of this hearing, *“Racing to Regulate”* is catchy, I don’t think the Environmental Protection Agency (EPA) has been racing ahead in applying forty year old provisions of the Clean Air Act, nor do I think EPA has attempted to throttle amateur drivers at all. In 46 years of enforcing the Clean Air Act, the agency has never targeted racecar drivers per se, and, I don’t believe the EPA’s intent in clarifying the legal authority of these regulations last July suggests that they will begin to do that today, in spite of what the hearing title suggests.

I have great empathy for both the racing community and the automotive industry and its partners. I have been a racing car enthusiast my entire life. My father was a founding member of NASCAR. I have made my living running my family’s automobile dealership. But I strongly believe that individuals, as well as the automotive industry, must comply with established environmental laws whether they agree with them or not.

The public health benefits of the 1970 Clean Air Act (CAA) regulations are clear and the EPA’s enforcement actions against those that violate these laws are necessary. According to the Centers for Disease Control and Prevention (CDC) these regulations have resulted in more than 11,000 fewer deaths due to reduced vehicle emissions of carbon monoxide (CO), for instance. Efforts to violate these regulations have serious environmental consequences.

I understand that EPA’s recent clarification of their jurisdictional authority under the Clean Air Act has sparked widespread concern within the racing industry. Of course if the EPA had been called as a witness to this hearing they could respond to questions about this issue themselves. Instead, our witnesses and our Members will be left to engage in conjecture about EPA’s intent.

We all have a shared interest in preventing companies from manufacturing, selling or installing aftermarket automobile parts that result in illegally modified automobiles or trucks that speed loudly through our neighborhoods, endangering residents and polluting our streets. I believe the Specialty Equipment Market Association (SEMA), which represents the automotive specialty and performance parts industry, agrees with that position and so does the EPA.

The EPA has attempted to maximize their enforcement actions against those who violate motor vehicle emissions laws by targeting manufacturers, sellers, and installers of aftermarket parts that are used to turn motor vehicles into racecars that are used on public roads and highways. Since 2007 the EPA has had three large enforcement cases against aftermarket manufacturers who have sold a total of 167,000 products intended to violate environmental regulations.

Unsurprisingly, amateur racing continued after each of these actions unaffected by the EPA's enforcement actions.

This is why I believe it is clear that we share the same objectives: to protect the environment and the public's health while maintaining the nation's rich racing tradition in a safe and responsible manner. No one, including the EPA, is attempting to shut down the Daytona 500 or other professional races. Under the Clean Air Act NASCAR and other professional racecars are not "motor vehicles" by definition and have been exempt from complying with EPA emissions control regulations. The issues we are discussing today will not impact these professional racecars or racers in any way. EPA is intending to simply clarify environmental regulations that make it illegal to de-certify a motor vehicle and alter a vehicle's emissions control devices in violation of the law.

I presume, for instance, that no one here condones what is known as "coal rolling," or "rolling coal," which is the process of altering a vehicle's exhaust to intentionally emit heavy black clouds of smoke as the vehicle rolls down the highway, suburban street, or other roadway.

Lastly, while I find this discussion interesting I am not sure any of the issues we are discussing today fall within the jurisdiction of the Science Committee. I am also disappointed that the Majority chose not to invite any representative from the EPA as a witness today to actually help us understand their perspective on the history of their enforcement in this area and the intent of their clarification on this issue last July.

Thank you Mr. Chairman. I yield back.