

**DRIVING BAD POLICY: EXAMINING EPA'S
TAILPIPE EMISSIONS RULES AND
THE REALITIES OF A RAPID
ELECTRIC VEHICLE TRANSITION**

HEARING

BEFORE THE
SUBCOMMITTEE ON ECONOMIC GROWTH, ENERGY
POLICY, AND REGULATORY AFFAIRS
OF THE

COMMITTEE ON OVERSIGHT AND
ACCOUNTABILITY

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**DRIVING BAD POLICY: EXAMINING EPA'S
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THE REALITIES OF A RAPID
ELECTRIC VEHICLE TRANSITION**

Wednesday, May 17, 2023

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
SUBCOMMITTEE ON ECONOMIC GROWTH, ENERGY
POLICY, AND REGULATORY AFFAIRS

Washington, D.C.

The Subcommittee met, pursuant to notice, at 2:04 p.m., in room 2154, Rayburn House Office Building, Hon. Pat Fallon [Chairman of the Subcommittee] presiding.

Present: Representatives Fallon, Donalds, Perry, Luna, Edwards, Langworthy, Bush, Brown, Stansbury, and Norton.

Mr. FALLON. This hearing of the Subcommittee on Economic Growth, Energy Policy, and Regulatory Affairs will come to order. Welcome everyone.

Without objection, the Chair may declare a recess at any time.

I recognize myself for the purpose of making an opening statement.

Today's hearing will examine EPA's newly proposed tailpipe emissions rules for light-, medium-, and heavy-duty vehicles. If finalized, the EPA estimates the rules would require fully electric vehicles to comprise 67 percent, two-thirds, of all new car sales by 2032. Let me be very clear. Republicans are not anti-EV. In fact, my family owns one. My wife has an electric vehicle. It was the right choice for us, it was the right fit, and, you know, free markets work. Republicans are, however, deeply concerned by the Biden Administration's apparent attempt to hijack the auto industry, strangle consumer choice, and determine what products are best for the American people in setting timelines and when.

These proposed two rules aim to lower emissions. While we are all working to reduce pollution, these rules are not the answer. In fact, I think there is a very good argument to be made that it is going to increase our carbon footprint. The rules would require an incredibly rapid EV transition that the industry, the grid, and consumer demand cannot keep pace with. It is not realistic in any measure.

Further, the critical mineral supply chain is already under stress. Does EPA even know whether there is enough raw material to meet its proposed standards? We do not even have any commit-

ments to expedite critical mineral mining in the United States, at least not one consistent with America's national security. And that is because the only alternative now would be to obtain these needed critical materials. And we are going to have to rely on countries and adversaries, like China and Russia, which is an extraordinarily bad idea.

EPA should not propagate standards that force the U.S. to rely on our adversaries just to keep vehicles on the road, our electric grid power running, and the lights on. We hope this hearing will sound an alarm about the cost these two rules would inflict on American consumers, American manufacturers, the American economy, and, quite frankly, our national security as well.

Last, I invited two officials from EPA to today's hearing, providing EPA a chance to explain its proposed rules to the Subcommittee, and as you can see, there are two empty chairs. I invited Joseph Goffman, the Acting Assistant Administrator of EPA's Office of Air and Radiation, whose nomination to be the Assistant Administrator is currently pending before the Senate. And I invited Sarah Dunham, the Director of EPA's Office of Transportation and Air Quality. EPA refused to produce these witnesses, suggesting the witnesses would be busy the day of the hearing with meetings with Members of Congress and representatives of the regulated community and because the Agency's EV rules are still open for public comment.

A hearing before this Subcommittee, of course, is a meeting with Members of Congress and, quite frankly, the first order. And as the Committee has documented, EPA's officials have previously testified before congressional committees on proposed rules before—let me say it again—before the public comment periods for the rules had closed. Indeed, EPA Administrator Michael Regan himself testified just this month before the Committee on Energy and Commerce, answering Member questions specifically on the very EV rules that are the subject of this hearing today.

Under the circumstances of his nomination, I am surprised and disappointed that EPA is refusing to produce Acting Administrator Goffman to appear at today's hearing. If Mr. Goffman is not willing to come testify while his nomination is pending, I am deeply concerned about his commitment to the accountability of Congress and the American people if he is confirmed. I hope the Senate is watching and takes this into account for his refusal to be here today and empty chairing us.

Chairman Comer and I also sent a letter today to Administrator Regan expressing disappointment that his officials refused to appear today. And I ask unanimous consent to enter this letter into the record.

Without objection, so ordered.

Mr. FALLON. As we state in our letter, the EPA is not, nor should it want to be, immune to congressional oversight. That is why we are requesting, again, for Mr. Goffman and Ms. Dunham to appear at a hearing in June.

That being said, I want to thank our witnesses who are all willing to appear on such short notice. We look forward to listening to your expertise on this important topic, and the Chair now recog-

nizes Ranking Member Bush for the purpose of making an opening statement.

Ms. BUSH. Thank you, Mr. Chairman. St. Louis and I rise to convene today's hearing to support the Biden Administration's critical actions to combat climate change and improve the health of our communities. The Administration has been advancing ambitious, yet attainable standards to reduce polluting emissions from vehicles and improve public health.

We have only a brief window to act to prevent the most severe consequences of climate change. Reducing emissions from the transportation sector is critical as transportation is now the single largest source of greenhouse gas emissions in the United States. Vehicle emissions are also major contributors to unhealthy air quality. In fact, according to the American Lung Association, "As of 2020, medium-and heavy-duty vehicles represent only six percent of the on-road fleet, but generate a staggering 59 percent of ozone-and particle-forming emissions and 55 percent of the particle pollution."

The negative effects of polluted air are disproportionately severe on Black, Brown, and indigenous communities. Again, according to the American Lung Association, "A person of color is 61 percent more likely than a white person to live in a community impacted by unhealthy air." We must take steps to reverse these troubling trends and cleanup our communities through strong EPA regulations and enforcement.

Under the leadership of President Biden, the EPA has proposed two rules that would keep billions of tons of pollutants from entering our atmosphere from a wide range of vehicles. According to the EPA, adoption of the emission standards proposed just for heavy-duty trucks would, among other benefits, produce, "up to \$29 billion in benefits from fewer premature death and severe health effects, such as hospital admissions, due to respiratory and cardiovascular illnesses." Today, however, as you hear fearmongering about these proposed rules, consider both Republicans' unwillingness to acknowledge and combat climate change and protect human health, and then also consider the messenger that they have chosen.

Once again, the Majority has invited a witness whose values are far outside the mainstream of this Nation and inconsistent with our Constitution. Mr. Steven Bradbury was an architect of the torture memos drafted under President George W. Bush to allow for the inhumane treatment of detainees abroad. According to the report of the Senate Select Committee on Intelligence, "In May 2005, Principal Deputy Assistant Attorney General Steven Bradbury signed three memoranda that relied on information provided by the CIA that was inconsistent with CIA's operational records." One of the memoranda examined "U.S. obligations under the Convention Against Torture." That document approved 13 enhanced interrogation techniques including nudity, walling, and the waterboard. These torture techniques did not do the work to make America safer. We are talking about something that is inhumane, despicable, and unjust, and a violation of human rights.

While we are speaking about human rights, access to clean air is a human right. With their witness selection today, however, my

Republican colleagues have once again shown that they are unable or unwilling to hold a serious conversation on climate change and how we can work together, work together, work together, work together to build a healthier future for my folks in St. Louis and folks all across this Nation. Thank you, and I yield back.

Mr. FALLON. I am pleased to welcome to the hearing today our four witnesses, and I thank them for appearing on such a short notice.

First, I would like to welcome Steven Bradbury, a distinguished fellow at the Heritage Foundation, with previous experience as the General Counsel of the Department of Transportation and briefly as the Acting Secretary of Transportation. Our second witness today is Josh Roe, the CEO of Kansas Corn Growers Association, who was previously Kansas' Deputy Secretary of Agriculture. Our next witness is Doug Kantor, the General Counsel of the National Association of Convenience Stores, or NACS, who also served as the Special Counsel and Deputy Chief of Staff at the Department of Housing and Urban Development. Our last witness today is Shannon Baker-Branstetter, the Senior Director of Domestic Climate and Energy Policy at the Center for American Progress.

We look forward to hearing what you have to say today on today's subject, and pursuant to Committee Rule 9(g), the witnesses will please stand and raise their right hands.

Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[A chorus of ayes.]

Mr. FALLON. Let the record show that the witnesses all answered in the affirmative, and we appreciate all of you for being here today. Thank you. Please take your seats.

And we appreciate your testimony as well. Let me remind the witnesses that we have read your written statements, and they will appear in full in the hearing record. Please limit your oral comments to five minutes. As a reminder, please press the button on your microphone in front of you so that, you know, we can all hear you. When you begin to speak, the light in front of you will turn green. After four minutes it will turn yellow, and then it will turn red, and that is kind of like the Logan's Run. Wrap it up, you are 30, and you are out the door.

I now recognize Steven Bradbury for your opening statement.

**STATEMENT OF STEVEN BRADBURY
DISTINGUISHED FELLOW
THE HERITAGE FOUNDATION**

Mr. BRADBURY. Thank you, Chairman Fallon, and Congresswoman Norton, and distinguished Members of the Committee. I am grateful for the opportunity to speak with you today about the EPA's proposed tailpipe rules. These proposals are the product of towering arrogance. Conceived as a master plan for the transformation of the auto industry, they come at the expense of America's families, the U.S. economy, and our Nation's security. They exceed EPA's authority and violate the major questions doctrine applied by the Supreme Court in *West Virginia v. EPA*.

First, EPA is usurping the Department of Transportation's exclusive role in setting fuel economy standards. Putting a limit on how much carbon dioxide a gas-powered vehicle emits per mile is functionally the same as a fuel economy standard. While the two authorities do not necessarily conflict, they must be exercised in harmony to respect Congress's design. EPA has ignored that requirement by rendering DOT's role irrelevant. Second, EPA has burst the bounds of its authority by using tailpipe regulation to coerce a faster and more expansive conversion to electric vehicle production than market demand can support. EPA plans to ratchet down the emissions limits for both carbon dioxide and criteria pollutants, to levels so stringent, the auto industry will have no choice but to shift more production to EVs.

The proposed limits are calculated to force the percentage of EV sales to increase nationally until they reach the Biden Administration's desired goals. For passenger cars and light trucks, that means 60 percent of total U.S. sales by 2030 and 67 percent by 2032. EV sales today are around six percent. This scheme is very similar to the clean power plan struck down in *West Virginia v. EPA*, where EPA tried to reduce carbon dioxide emissions by forcing electricity generators to shift production from coal to wind and solar. The Court held that no part of the Clean Air Act gives EPA license to "restructure entire markets" through transformative regulation.

Absent clear and specific delegation by law of the administrative power the Agency claims, it is Congress' job to decide the "consequential tradeoffs involved in such vital considerations of national policy." The exact same is true of EPA's proposals to force a massive shift in the automotive market, which will have enormous economic and political consequences for the American people.

The price of all new vehicles will rise dramatically under these rules, and America's families will lose many of their favorite options at the dealership. Lower-income and rural Americans will be stuck driving older and older used vehicles, which are far less safe, so highway deaths and injuries will climb. Countless jobs will be lost in the U.S. auto industry while employment surges in China, as the U.S. becomes desperately dependent on China for the production of critical minerals and other inputs needed for EVs.

The rapid transition to electric cars and trucks will put a tremendous strain on our fragile grid and require a huge increase in electricity production. Just as the EPA has announced, it wants to shut down fossil fuel power plants. Electricity prices will inevitably spike for all Americans as a result, and even if it were fully carried out, EPA's grand scheme will have no meaningful effect on global temperatures. That is because among other things, China's production of energy from dirty coal will just keep jumping higher.

Mr. Chairman, these are issues of life, liberty, and prosperity, fundamentally political in nature. Under our constitutional republic, it is for Congress alone to make the monumental decisions EPA is assuming for itself in these proposed rules. Thank you.

Mr. FALLON. Thank you. The Chair now recognizes Josh Roe for your opening statement.

**STATEMENT OF JOSH ROE
CHIEF EXECUTIVE OFFICER
KANSAS CORN GROWERS ASSOCIATION**

Mr. ROE. Good afternoon, Chairman Fallon, Congresswoman Norton, and Members of the Committee. My name is Josh Roe, and I serve as the CEO of the Kansas Corn Growers Association, and I am also a seventh generation farmer in North-Central Kansas. The Kansas Corn Growers Association represents farmers on state and national legislative and regulatory issues and actively works with other organizations to maximize the voice of Kansas corn producers.

The agricultural and liquid fuels industries stand at the ready to assist in reducing air pollution. Unfortunately, current and proposed EPA rules prevent us from being a part of the solution and adversely impact low income and rural citizens across the United States. Increased public and private investment in an all-electric transportation system is being driven by the desire to reduce greenhouse gas emissions with lofty goals to achieve carbon neutrality. While we believe that electric vehicles will play a vital role in achieving these goals, other complementary alternatives, such as biofuels, have a key role to play but are being pushed aside. High-octane, low-carbon fuels containing higher biofuel content reduce emissions, both because they are less carbon intensive to produce and because higher octane means significant gains in fuel economy.

These next-generation fuels can save consumers money and are compatible with 97 percent of vehicles on the road today. In other words, high-octane, low-carbon fuels offer a solution to air quality problems, combat inflation, and do not require a publicly funded overhaul of our transportation infrastructure or require consumers to purchase vehicles that may not be compatible with their way of life. EVs are \$10,000 to \$25,000 more expensive than comparable internal combustion engine vehicles, placing them out of reach for many consumers, including those in rural America where median incomes are lower than that of urban areas.

The EPA defines EVs as zero-emission vehicles. However, EVs are not truly zero-emission vehicles. While they do not have a tailpipe, you still need to account for the emissions that come from the power grid. The U.S. power grid is currently 60 percent powered by coal and natural gas. Current and proposed EPA rules do not account for these upstream emissions when calculating compliance, let alone additional emissions and toxic pollution generated by mining rare earth minerals around the world. Given the makeup of today's power grid, vehicles running on high-octane, low-carbon fuels provide very similar greenhouse gas emission savings compared to EVs. Plug-in hybrid EVs operating on E85 can be even cleaner as they have the potential to take advantage of low-carbon ethanol in their combustion engines and a low-carbon electricity grid while in battery mode.

The proposed EPA standards allow the automakers to use a zero-grams-per-mile compliance value for EVs and set emission standards such that the only way to comply is by shifting production to nearly 70 percent EVs in the next decade. Meeting these goals will be extremely costly, requiring a massive amount of public spending

in electrical infrastructure, a complete retooling of auto production plants, and a change in where materials are sourced.

By contrast, high-octane, low-carbon fuel standards, such as those proposed in the Next Generation Fuels Act, reduce emissions, require minimal public investment. Instead of mandating a technology, a high-octane, low-carbon fuel standard simply removes regulatory barriers and sets tech-neutral benchmarks. The bill's cosponsors include Chairman Comer and Congresswoman McClain.

In conclusion, today, there are more than 271 million light-duty vehicles on the roads in the United States, and less than one percent of them are battery operated. These existing vehicles, along with those that are produced in the next decade, will consume over 1 trillion gallons of fuel. Ninety percent of all vehicles on the road today are warrantied for E15, and using E15 just in all compatible vehicles would reduce carbon emissions by 280 million tons in the next decade. If the Administration's goal is to improve air quality, they should look at solutions that will make a difference now rather than going all in on a more expensive technology that will limit the mobility of low-income American households.

I thank you for the opportunity to provide this testimony.

Mr. FALLON. Thank you, and I now recognize Doug Kantor for your opening statement. OK. That is why we give you the instructions because sometimes it doesn't work out our way.

Mr. KANTOR. All right.

Mr. FALLON. I apologize.

Mr. KANTOR. Trying my best here.

Mr. FALLON. Thank you for adapting and overcoming. You would make a good Marine.

Mr. KANTOR. Not a problem.

**STATEMENT OF DOUG KANTOR
GENERAL COUNSEL
NATIONAL ASSOCIATION OF CONVENIENCE STORES**

Mr. KANTOR. I really appreciate the opportunity to testify today before this Committee to make clear the convenience store industry's position on these really important questions.

Our folks, just to give you a sense, sell 80 percent of the motor fuels that are used around the country today. There are 150,000 stores. Sixty percent of those are single-store operators. Sixty-five percent of those are folks who own 10 stores or fewer. They are incredibly close to their customers and what they want, and the only thing that our industry wants here is to be able to sell their customers whatever type of energy they want for their vehicles. We do not care if that is electricity, if that is traditional motor fuels, if it is renewable fuels. That is all great to us. If our customers want it, our folks want to sell it to them.

We are enthusiastic in moving into electricity. It is an important part of the future of the industry, just as traditional motor fuels are an important part of the future of the industry. We do see there are important and difficult impediments that we have got to deal with and we think EPA has to grapple with and fully analyze to get to the best outcomes here.

Our concern with EPA's proposal, as it stands, is that it does not do enough in the right areas. EPA focuses on tailpipe emissions,

not emissions through the lifecycle of these different vehicles, and that has profound consequences for the answers you get. All vehicles have emissions. It is just a question of where they occur, right? It may be in electricity generation. It may be coming out of a tailpipe. It may have to do with the manufacturing process to get there. We should be looking at all of those things to get to the right answers. EPA's rule does not do that.

In the proposal, they say that is because, well, traditional motor fuels, we do not look at that. But of course, the regulatory structures that came into place for traditional motor fuels came into place a long time ago when all of them ran on petroleum-based fuels, there was no reason to analyze where those other emissions came from. Now there is, and we ought to do that, and we ought to get that right, in part because lots of liquid fuels do today and can in the future reduce carbon emissions, greenhouse gas emissions, reduce criteria pollutants. And frankly, to get to the best answer, we need those gains, too. We cannot afford to focus on just one technology at the expense of improvements that need to be made in other technologies, too.

And you have already heard some about renewable fuels. We are big fans of renewable fuels, too. They definitely cut the carbon intensity of fuels. And the best way to go about this, from our perspective, is set up a competition so that all these different types of vehicles and types of fuels all have to fight each other to achieve the best results, the best results we want in terms of a performance standard from an environmental perspective.

And frankly, we think that will fit better with the consumer sentiment that is out there. You give consumers an opportunity to make decisions with real price cues, they will make good decisions. And part of the challenges we see out there include that these questions play out very differently in different regions around the country.

Depending on the electricity grid in a state where a car is driven, that car may be much more efficient from an environmental perspective as an electric car. In some states, that is definitely true. In some states, a hybrid electric vehicle actually performs better than a battery electric vehicle because of the inputs to the grid, and in a small number of places, an internal combustion engine performs better, and that is just today. Those things can all change over time, and we ought to be incentivizing those changes to happen over time.

One thing that we are very concerned about, are the problems with getting to more electric vehicle charging infrastructure. The electricity markets are not set up in a consumer-friendly way to allow people who drive electric vehicles to have the benefits of the market that traditional gasoline-powered cars' drivers have today. That needs to change. There is a report out just today from a group called Grid Strategies that looks at clean energy, detailing a number of those market changes that we all need if we are going to get to significant private investment that increases the capacity in these areas.

So, I am pleased to be with you. I am pleased to talk about additional impediments in this area, and I am glad that the Subcommittee is looking into it. Thank you.

Mr. FALLON. Thank you, and I now recognize Shannon Baker-Branstetter for your opening statement.

**(MINORITY WITNESS)
STATEMENT OF SHANNON BAKER-BRANSTETTER
SENIOR DIRECTOR
DOMESTIC CLIMATE AND ENERGY POLICY
CENTER FOR AMERICAN PROGRESS**

Mx. BAKER-BRANSTETTER. Thank you, Chair Fallon, Congresswoman Norton, and Members of the Subcommittee. I appreciate the opportunity to testify today.

Reducing emissions from the transportation sector is a huge opportunity to improve public health, fight climate change, and build domestic supply chains. Transportation is the No. 1 source of greenhouse gas emissions, and passenger and heavy-duty vehicles are the largest contributors within transportation. In addition to carbon pollution, heavy-duty vehicles produce ozone, soot, and air toxics, which are especially harmful to children's developing bodies.

Fortunately, automakers and governments are investing in cleaner vehicles, and vehicle emission standards can help solidify this progress. Without strong climate, labor, and industrial policy that positions the U.S. to be a leader in electric vehicle technology and production, the U.S. will lose out to global competitors, especially China, which has been investing heavily in electric vehicle technology and manufacturing. The U.S. is now taking the necessary actions to catch up to the competition and make up for lost time through the combination of vehicle standards and investments from the infrastructure bill and Inflation Reduction Act to build charging infrastructure, onshore manufacturing, and build a robust domestic supply chain.

Last month, EPA proposed new multi-pollutant standards for light-, medium-, and heavy-duty vehicles. These standards are technology neutral and can be met by a variety of technologies, including improved efficiency, hybrids, battery electric, and fuel cell vehicles. Electric vehicles are a cost-effective way to comply with these standards, and the likely compliance pathway could result in 67 percent of new light-duty vehicle sales being electric by 2032, and 25 to 50 percent of new heavy-duty vehicles electrifying. These new standards will cut pollution from light-duty vehicles by over 56 percent in 2032, and EV buyers can expect to save over \$7,000 over the life of a vehicle.

The heavy-duty standards would reduce emissions equivalent to eliminating all greenhouse gas emissions from the entire current U.S. transportation sector for a whole year. Both proposed rules are achievable and would deliver hundreds of billions of dollars in net benefits, including avoided deaths and hospitalizations as well as fuel savings. In fact, the standards could be even stronger. The ICCT finds that EV sales are likely to be 67 percent by 2032, even without standards from the EPA. Federal standards give the clear signal that market trends will continue and position the U.S. as a leader in developing and deploying electric vehicles.

In addition to fuel savings, electrifying the vehicle fleet provides many advantages over internal combustion engines, including climate and health benefits, a more resilient and flexible electric grid,

and improved national security. Thanks to lower pollution from EVs, electrifying transportation could avoid 110,000 premature deaths in the U.S. by 2050. EVs can also enhance grid reliability and emergency response. EVs can provide backup power or heating, as demonstrated in Texas' blackouts and Florida power outages.

In 2021, the adoption of electric vehicles displaced nearly 100,000 barrels of oil per day in the U.S., which is more than half the amount of oil the U.S. imported from Russia that year. Electricity is a more diverse energy source, that is homegrown and has greater price stability compared to gasoline and diesel. Last year, gasoline prices rose 10 times faster than electricity prices. Electric vehicles save consumers money, and EV prices are already dropping. EVs cost an average of 60 percent less fuel than gas-powered vehicles and 50 percent less to maintain. These cost savings are significant, especially for rural households who drive farther distances and pay more in maintenance costs.

A recent study showed that rural households may save twice as much from switching to an EV compared to their urban counterparts. IRA and infrastructure investments are making EVs more affordable for low- and middle-income households, and are supporting manufacturing and procurement of EVs, batteries and critical minerals, to onshore and friend-shore critical components and set a productive and competitive course for the U.S.

The transition to electric vehicles is already underway. Between August and January, electric vehicle and battery manufacturing announced over 87,000 new jobs, and the last eight years have seen over \$120 billion in private investment in EVs. Many IRA investments align with supporting good jobs, but more pro-labor policies are still needed. It is also incumbent on industry, from established companies to new entrants, to not push down working standards but instead partner with unions to lift up the livelihoods of the people who will build America's EV future.

In conclusion, the United States cannot afford to be left behind on electrification while the rest of the world transitions to cleaner technologies. To beat out global competition and avoid the worst impacts of climate change, we must move forward with policy solutions that align with global trends, automaker investments, and consumer demand to put the United States in a lead on electric vehicles, while creating good jobs, lowering consumer costs, and ensuring a safer, more secure world for ourselves and future generations. Thank you, and I am happy to answer questions.

Mr. FALLON. Thank you. I now recognize myself for five minutes of questions.

Mr. Bradbury, the Committee is deeply concerned that the EPA declined our invitation to be here today. As you can see to your right, there are two empty chairs. As I mentioned in my opening statement, the EPA claimed that they are not able to discuss rules while the comment period is still open. As the former General Counsel for the Department of Transportation, do you agree with EPA's reasoning for their refusal?

Mr. BRADBURY. No, Mr. Chairman, I do not. The EPA published close to 2,000 pages of detailed explanation and analysis explaining to the world its rules. And I think plenty of questions to be asked

about that detailed analysis, and the experts at the EPA who were intimately involved in it, I think, should appear before the Congress and answer questions.

Mr. FALLON. So, it does not square with you that those chairs are empty, does not make a lot of sense, at least the excuse that they gave?

Mr. BRADBURY. No, it does not. I would expect they probably briefed the press about the rule when they published it so that they would get favorable stories in the press, so I think they could brief Congress.

Mr. FALLON. Well, yes. What concerns me, too, is that we are supposed to be a rule of law Nation, but it seems like we are concerned with these unelected bureaucrats with the law of the rule. And it is like a dictatorship, not by the proletariat, but a dictatorship of the bureaucracy compelling consumers. I made a choice to buy an electric vehicle. My wife wanted one. I like to keep her happy. You know, that is the way it goes. But that was our choice, and it fit our needs, not to compel and mess with the free market, because I think the free markets are largely the best answer.

Just last year—you mentioned something in your opening statement, too—just last year, the Supreme Court slapped down the EPA when it was *West Virginia v. EPA* for abusing the Clean Air Act. Do you think that these rules are going to pass judicial muster considering the precedent that has already been set by the Supreme Court?

Mr. BRADBURY. I do not think so. Ultimately, I do think the courts will strike it down. You cannot predict how courts will decide cases and when they will decide cases, so it is possible rule will go into effect and have serious consequences in the interim. And so, I think that this is a case where Congress should consider its authority under the congressional Review Act should these rules go into effect as proposed.

Mr. FALLON. Well, from my research we found that EV, they account for, I think it is six percent of the total market share right now new cars. And to go from 6 percent to 67 percent in nine years, and we can all disagree on whether or not a good idea, but that is not going to happen. Just wait and see in nine years. If we are still having this job, we are going to see that we didn't come anywhere close to that. It is just unachievable. And you are not living on earth, if you think that is the case, you live on an orbit around Neptune or one of those moons.

You said in your written statement, Mr. Bradbury, "If every country in the world achieved its stated EV targets by 2030, the total savings in carbon dioxide emissions would be expected to reduce global temperatures by only 0.0002 degrees Fahrenheit by the year 2100." Given this fact, is it unilaterally gutting the U.S. auto market critical mineral supply chain and the grid stability? Is that the solution for addressing the temperature goals?

Mr. BRADBURY. Well, I do not think so, but, you know, as we have heard today, very weighty considerations. It is really for Congress to balance these considerations. That is my fundamental point. The executive branch carries out the law. It does not make the law. These proposals—

Mr. FALLON. Well, could you say it again?

Mr. BRADBURY. It needs reminding. The executive branch carries out the law. It does not make the law.

Mr. FALLON. OK. It does not make law. Carries it out, right. OK.

Mr. BRADBURY. Right. That is the way—

Mr. FALLON. It seems like it is making law through their unelected bureaucrats, but I digress. Mr. Roe, the raw materials in one long-range battery electric vehicle could instead be used to make six plug-in hybrid electric vehicles. I was talking to Toyota last month about this, and for the same limited resources, instead of replacing one internal combustion engine vehicle, you can replace 90. The overall carbon reduction of those 90 hybrids over their lifetime is 37 times as much as a single vehicle. Could these rules actually cause more carbon emissions rather than less?

Mr. ROE. Thank you for the question, Chairman Fallon, on that. What we have seen, as I have mentioned in my testimony before, if we improve the quality of the fuel going into the plug-in hybrid vehicles, we can take advantage of two things. We can take advantage of the technology improvements in the liquid fuel space, add more carbon capture sequestration at the biofuel level, more carbon sequestration from the feedstocks there. As the electricity grid gets more efficient through that, if we utilize that piece there, it works together to actually reduce emissions by greater than a battery electric vehicle alone.

Mr. FALLON. Thank you, and my time has expired. Thank you all. The Chair now recognizes Ms. Norton for your five minutes.

Ms. NORTON. Thank you, Mr. Chairman. Unlike my Republican friends, Democrats are working to ensure the United States is taking urgent action to combat climate change. Yet at every turn, while the Biden Administration is working to set ambitious, yet attainable goals to reduce emissions, Republicans are bent on halting any sort of progress toward securing a sustainable future for the American people.

As a senior Member of the Committee on Transportation and Infrastructure and the Chair of the Subcommittee on Highways and Transit in 117th Congress, I was deeply involved in crafting the bill that served as the basis for the bipartisan once in a generation, Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law. Mr. Baker-Branstetter, how will the bipartisan infrastructure bill and other legislation enacted last year help to catalyze a more sustainable future for the Nation?

Mr. BAKER-BRANSTETTER. Thank you for the question. So, in the infrastructure law, there were quite a few investments in charging infrastructure throughout the country, both in highways as well as in rural and underserved areas. There is also the electric school bus investments to help electrify our children's school buses, and the Inflation Reduction Act, which was just passed last year, it really accelerated a lot of the tax credits, incentives and grants for electric vehicles, including used vehicles, for low-and moderate-income households, as well as a lot of manufacturing incentives, including domestic content requirements. So, we are really going to see a lot of the vehicle components and the vehicles made here in the U.S., and also going to see them be more accessible to American buyers.

Ms. NORTON. Well, continuing with you, the Infrastructure Investment and Jobs Act provided billions of dollars to help build electrical vehicle charging infrastructure on the National Highway System. Is the auto industry working fast enough to advance the transition to electric vehicles? If so, can you explain how and why?

Mr. BAKER-BRANSTETTER. So, we have about nine domestic automakers who made commitments to electrify their entire vehicle fleet between 2030 and 2040, so that is quite a big range. So, those who have committed to the closer on this 2030 timeframe definitely seem to be making the right commitment and taking it seriously. We are also seeing tremendous battery investments throughout the country. Dozens of new plants have opened in the last year. And so, I think that automakers, especially laggard automakers, may still need to be pushed, but we are seeing leadership from quite a few domestic manufacturers as well.

Ms. NORTON. All right. Continuing with you, in September 2022, the U.S. Department of Transportation announced, "More than two-thirds of electric vehicle infrastructure deployment plans for states and the District of Columbia and Puerto Rico, have been approved ahead of schedule under the National Electric Vehicle Infrastructure Formula Program established and funded by President Biden's infrastructure law." So, I am proud of the bipartisan work done by the 117th Congress to move the United States toward a more sustainable future.

I also commend the Biden-Harris Administration for its work implementing the critical policy measures enacted during the 117th Congress, and for working to combat climate change through such measures as the proposed EPA tailpipe rules. I look forward to continuing a bipartisan productive oversight to ensure that the promises of these historic bills are fulfilled, and I yield back, Mr. Chairman.

Mr. FALLON. Thank you. The Chair now recognizes Mr. Donalds from Florida.

Mr. DONALDS. Thank you, Mr. Chairman. Thank you, witnesses. I always find it interesting when we go over this topic. One thing, let us be clear, the EPA has no authority for this role. Once again, we have another agency somewhere in this Administration coloring in the outsides of whatever their congressional purview is. And this Administration is more than comfortable doing it because they know they cannot come to the Congress to get the votes for what they want to do. That is why EPA is doing this. I know that is a different Committee I sit on, but that is why the SEC is doing what the SEC does, and we can go all through the alphabet soup agencies.

Mr. Bradbury, a couple of things. I want to just get to a couple of key areas here. I lost my place, here we go. True or false, President Biden says he wants 50 percent of new cars to be electric by 2030?

Mr. BRADBURY. True, but I guess now it is 60 percent.

Mr. DONALDS. OK. True or false, in order to meet Tesla's EV needs, and this is only Tesla by the way, by 2030 global lithium supply must be increased by X times?

Mr. BRADBURY. Oh, it definitely has to increase somehow. We do not know from where. It has to increase greatly, yes.

Mr. DONALDS. OK. True or false, a typical electric car requires six times the mineral inputs of a conventional car?

Mr. BRADBURY. Yes.

Mr. DONALDS. True or false, the nuclear energy is the most viable option for a steady stream of reliable, affordable, carbon-free, electricity to power EV charging stations 24 hours a day, 7 days a week, 365 days a year?

Mr. BRADBURY. I am sorry. What?

Mr. DONALDS. Nuclear power?

Mr. BRADBURY. Yes. That is my understanding.

Mr. DONALDS. OK.

Mr. BRADBURY. Not an expert.

Mr. DONALDS. That is fine. Last question. If 50 percent of the cars were electric vehicles today, is there enough power on the electric grid to charge them all?

Mr. BRADBURY. Absolutely not. No.

Mr. DONALDS. I want to circle back to one thing, and Mx. Baker-Branstetter, I was listening to your testimony. We kind of established the fact pattern that in order to accomplish what I believe you do support, we would have to massively expand lithium mining, not to mention other mining capacities. Currently in the world today who dominates lithium mining?

Mx. BAKER-BRANSTETTER. So, lithium processing is dominated by China. It is mined in several other places as well.

Mr. DONALDS. Do you know some of the countries where it is mined?

Mx. BAKER-BRANSTETTER. In South America as well.

Mr. DONALDS. South America. Any other places? Are they mining in Africa?

Mx. BAKER-BRANSTETTER. Lithium? I do not think it is a major lithium producer, no.

Mr. DONALDS. OK. Are they mining cobalt in Africa?

Mx. BAKER-BRANSTETTER. Yes.

Mr. DONALDS. Is cobalt necessary for an electric vehicle?

Mx. BAKER-BRANSTETTER. It is in the dominant chemistry, at the moment, yes.

Mr. DONALDS. OK. Let me ask you this question. You say in your testimony that, essentially referring to the current internal combustion engine, that in addition to carbon dioxide, heavy-duty vehicles emit or contribute to ozone, particulate matter, nitrogen oxides, sulfur oxides, carbon monoxide, and other air toxins that are especially harmful to children's developing bodies. Are you aware that the Chinese use child slave labor in some of their mines to mine critical minerals?

Mx. BAKER-BRANSTETTER. Yes, and in Africa as well. That is why we need to onshore and friend-shore the supply chain. We should clean it up, and we should be very involved and be a leader in this space.

Mr. DONALDS. Do you think that the United States should even be dealing with electric vehicles right now considering all critical minerals come from mines that employ child slave labor?

Mx. BAKER-BRANSTETTER. So, like I said, it is important for us to move in the right direction, and the IRA incentives are helping

us do that, both for domestic content as well as critical minerals coming from safer places.

Mr. DONALDS. I got a question for you. Since the EPA is so enthralled with what is coming out of the tailpipe of an average American, is the same EPA going to be just moving through the permitting for new lithium mines and other mines in the United States? Are they going to also want to put that off on other countries?

Mx. BAKER-BRANSTETTER. So, lithium mining is on the table in the United States.

Mr. DONALDS. On the table? Define, explain that.

Mx. BAKER-BRANSTETTER. That there are permits that are currently pending.

Mr. DONALDS. So, the EPA that wants to ban gas stoves and is concerned about what is coming out of a tailpipe, now wants to allow lithium mining in the United States. They are just going to say, oh yes, cool, let us do it?

Mx. BAKER-BRANSTETTER. So, mining definitely needs to be done in a safer way. The U.S. and North America can do it safer than other places. This is true for all mining for all consumer products and everything, including additional vehicles.

Mr. DONALDS. I am glad you said that because I actually agree with that point. The United States can actually mine for all these critical minerals, whether it is right here at home, which means jobs for Americans, but also in friendly places around the globe. We can actually do that better and we do it cleaner than the Chinese do. My concern is that the EPA's radical push toward electric vehicles, what that is really going to do, it is going to price out the very poor. Poor people do not have money to buy an electric vehicle. I know because I grew up poor. We did not even have a car.

So, then if I just have a car, you tell me that I have to spend \$20,000 more to buy an electric vehicle, I just find that to be crazy because that disrespects my pocketbook. It disrespects the pocketbook of every American on the lower side of our economic spectrum. Wouldn't you agree with that?

Ms. BAKER-BRANSTETTER. So, EVs are dropping in price, and the standards from EPA are for new vehicles.

Mr. DONALDS. Mr. Chairman, I know I am out of time. Quick question for my indulgence. What is cheaper, an internal combustion used car or electric used car?

Ms. BAKER-BRANSTETTER. It depends on the vehicle class and type.

Mr. DONALDS. Come on. I yield back.

Mr. FALLON. Thank you. The Chair now recognizes Ms. Brown from Ohio.

Ms. BROWN. Thank you, Mr. Chairman, and thank you to our witnesses. I applaud the Environmental Protection Agency for putting rules into place that are smart, aggressive, and impactful for communities across America. The EPA's tailpipe emissions rules are critical for tackling climate change and will have particular benefits for communities of color, who suffer an unequal burden of climate pollution.

As we know, the impacts of climate change and poor air quality are not felt evenly. On average, Black and Brown communities face

greater exposure to the particles in the air that make us sick. Many of these harmful particles are pumped into the air by vehicle emissions making us sicker than we would otherwise be. Communities that are located near heavily trafficked roads and highways, the communities that make up 30 percent to 45 percent of the urban population in North America, have higher rates of diseases like asthma, pulmonary illnesses, and cardiovascular disease.

According to the American Lung Association, “Zero emission trucking will not only cut harmful air and climate pollution broadly, it will provide much needed relief in local communities most impacted by pollution.” The American Lung Association identified Cuyahoga County among the communities expected to see significant health benefits from the transition of heavy-duty trucks to zero emission vehicles. In fact, Cuyahoga County will save an estimated \$5.1 billion in health costs and avoid 467 premature deaths between 2020 and 2050, from the new EPA rule.

Mx. Baker-Branstetter, how does the EPA’s tailpipe emissions rule protect the health and wellbeing of the American people?

Mx. BAKER-BRANSTETTER. Thank you for the question. So, the light-duty and medium-duty standards are expected to have \$280 billion in public health benefits. And that means lives saved, asthma avoided, as well as the consumer benefits, which are \$1.3 trillion in fuel savings for all families.

Ms. BROWN. Thank you for that. Additionally, EPA regulations are steering the auto industry toward a clean energy future that ensures good-paying jobs for millions of Americans. These are the long-term jobs of the future, jobs in advanced manufacturing and green technologies. So, Mx. Baker-Branstetter, how and why does the increased production of electric vehicles create good-paying American jobs?

Mx. BAKER-BRANSTETTER. So, the Inflation Reduction Act has quite a few strings attached to the tax credits and some of the grants that will support domestic content and domestic assembly. And we have already seen, just last week, that Bluebird bus manufacturing recently unionized in Georgia, which is really historic, so that is great news, and building on the good work that unions are doing to deliver good jobs and good benefits so that people can have family sustaining wages and careers.

Ms. BROWN. Excellent. Thank you. In Ohio’s 11th congressional District, there are already over 12,000 clean energy jobs as defined by environmental entrepreneurs and national group of business leaders, investors, and professionals. As a result of the Biden’s Administration policies and the work of congressional Democrats, Climate Nexus reports that the transition to electric vehicles will result in two million more American jobs by 2035. That is on top of the 12.8 million jobs that have already been created. Their research also shows that every new auto job creates over seven additional jobs from the resulting economic activity. American’s clean energy future is a win for our health, our environment, and our economy. And with that, Mr. Chairman, I yield back.

Mr. FALLON. Thank you. The Chair now recognizes Mrs. Luna from Florida.

Mrs. LUNA. Thank you. I just wanted to follow up on something Representative Donalds had pointed out and mentioned that the

average median household income is roughly about \$70,000 in 2021, which is a decrease from the year prior, not to mention how devalued our current U.S. dollar is. So, to talk about electric vehicles being cheaper for those that are less fortunate and live in rural communities, I think, is an absolute farce.

But I did want to point out, being that we are oversight, we all know with what happened last week that the Biden Administration, the Biden family has a history and apparently transactions of really benefiting themselves and those that help them. I wanted to submit this to record, Chairman. It is a diagram that my team put together, and it has the slush fund of political donors and companies that helped to elect Joe Biden and those that are receiving the very same green initiatives.

Mr. FALLON. Without objection, so ordered.

Mrs. LUNA. Perfect. So, just to kind of explain it here, and then I will get to my question. Starting in February 2023, Biden's Department of Energy shelled out nearly \$3 billion in loans to two electric battery companies, Redwood Materials and Ioneer. The two companies are backed from funding from both Bill Gates and Powell of which Bill Gates poured \$127 million into a liberal dark money network to elect Democrats. And then in July 2021, Redwood raised \$700 million from a group of investors that included, again, both Gates and Powell, of which Powell gave jobs exclusively to leftist candidates and political groups that raised over \$2 million. It goes forward to say that Ioneer won a \$700 million loan from the Biden Administration and saw its stock price increased by 33 percent after the announcement.

And I would just like to point out that the Biden Administration did not invite Tesla to their EV event that they had at the White House. That is probably because Elon Musk is very based and does not have much to say about this Administration or their impact on the environment. And then I would like to go forward and say that John Arnold, who gave \$13.5 million to one liberal dark money group from 2016 to 2020, also contributed in helping elect this Administration. So, to say that this Administration is really working in the best interest of the Green Movement and protecting the environment, I think, according to the facts, is false.

My questions, though, are for Mr. Bradbury. What should we do when we are told to evacuate ahead of hurricanes? I am in the state of Florida. The electric grid is overloaded, and we are stuck in a standstill traffic for hours, and tens of thousands of people are pouring onto our freeways.

Mr. BRADBURY. I guess you would have to hitchhike to somebody who has an internal combustion engine car. I think that is why a lot of consumers are concerned right now, a little skeptical about whether an EV is the right choice for them. They are not sure whether they will have convenient access to charging. And in California, we see some rationing and restrictions on the hours when people can charge, and I think that concerns a lot of people. There are a lot of question marks in exactly that area.

Mrs. LUNA. I did want to bring up—is it, Branstetter? Did I say that correctly?

Mx. BAKER-BRANSTETTER. Baker-Branstetter.

Mrs. LUNA. Baker. Baker, if that is OK with you. So, I am a part of the House Democracy Coalition, and I just got back from a CODEL where we actually met with some of those countries that are now looking into doing lithium mining, right. But one of the countries that we met with, specifically, that you said, you know, is going green was South Korea, and it was interesting for us because we did ask them, well, are you going to be embracing nuclear energy. Are you completely shutting out petroleum? And they said that it would be basically something that would be detrimental to their people if they were to completely just go from solely petroleum dependent to just electric and that they could not handle that.

I just wanted to get your perspective on that because South Korea is, indeed, one of, I think, the most incredible countries in the world. Indonesia said the exact same thing as you are, I am sure, tracking. They just received a contract from Ford for lithium mining, and I am sure Tesla will be doing that as well over there. And they are also interested in receiving some of the credits from the IRA, but they also are depending on petroleum. And so, given that that is the circumstance, although you are saying that we are moving toward a green initiative and it is supposed to be better for Americans, we are still outsourcing and doing it in countries that are embracing petroleum and nuclear energy. What are your thoughts? Sorry. I have 27 seconds left.

Ms. BAKER-BRANSTETTER. So, the U.S. grid has a lot more diversity and resources than the South Korean grid. And so, relying on homegrown domestic energy through the electric grid here is a much different scenario compared to South Korea. We do not import any products that use forced labor in the United States, and we should continue to do that.

Mrs. LUNA. I think that that is a little bit false so being that lithium and cobalt mines in the Congo are what we used to manufacture goods, and we are still using those products. That is, actually, I think one of the biggest arguments that Representative Donalds had. But, Chairman, I am done with my time, so thank you.

Mr. FALLON. Thank you. The Chair now recognizes Ms. Stansbury from New Mexico.

Ms. STANSBURY. All right. Well, thank you, Mr. Chairman, and thank you to all of our witnesses for being here today. I am really excited to talk about electrification of our vehicle sector because, as we know, it is crucial to de-carbonizing our economy and addressing the global climate crisis. So, I really welcome the opportunity to talk about these issues today in this hearing.

I do want to address some of the disinformation that has been provided in this hearing, but I do want to say a few things about why it is important that we electrify the transportation sector. First of all, here in the United States, almost 30 percent of our emissions are due to the transportation sector. And in order to address those emissions—really, the real enemy here is carbon going into the atmosphere. That is what causes global climate change. And so, in order to do that, we are going to have to address it through a series of interventions that includes electrification of the transportation sector or other technologies as they developed, partnerships, of course, with the auto industry.

We are going to have to, of course, modernize our electric infrastructure to be able to do this, and provide support for families so that it is affordable. And that is exactly what we have done with the passage of three significant pieces of legislation in the last Congress: the CHIPS Act, which, of course, helps to support the innovation of American manufacturing, bring jobs back home, and help to build the power systems and R&D that will drive innovation in the transportation sector; the Bipartisan Infrastructure Law that is investing in our grid and in the electrification of our transportation sector; and, of course, the IRA, which helps to subsidize and provide tax incentives to help voluntarily move both industry, our utilities, our co-ops, and our consumers toward this electrification.

So, we are already way underway of this transition. And I really take offense at the characterization that somehow this is like forcing it upon consumers and the American economy because this is the direction that things are headed. And whether or not my colleagues across the aisle want to believe it, the auto industry has already headed that way. They are already planning their fleets out a decade and have already made commitments to move toward electrification. So whether or not you like it, whether or not you support it politically, it is happening. And whether or not you want to buy it, drive an electric vehicle, I guarantee that you are very likely to be driving an electric vehicle in the next several decades whether you want to or not because that is just where the industry is going. So, I just wanted to be clear about that.

But you know, let us talk a little bit about some of the reasons why it is important to make this transition. Mx. Baker-Branstetter, we really appreciate you being here and your expertise on these issues. Could you talk a little bit about the importance of emissions controls and this particular EPA rule that we are discussing today, and helping us to get our carbon reduction goals through this process?

Mx. BAKER-BRANSTETTER. Thank you. So, as was said earlier, the light-duty and medium-duty vehicle standards will be reducing carbon pollution by 56 percent by 2032, which is tremendous. I also want to point out that there is a wait list currently for many electric vehicles, so there is very high demand as these vehicles are being produced and as more options are coming online.

Ms. STANSBURY. And I noted in your written testimony that you laid out many of the areas that the three bills that I just mentioned are helping to address the transition in the vehicle sector and the various subsidies and supports. Could you talk a little bit about what exactly do the Infrastructure, CHIPS, and IRA do to help advance this transition which is occurring?

Mx. BAKER-BRANSTETTER. So, what they are trying to do, working together, is really build a domestic supply chain from the components and critical minerals to assembly and then supporting the purchase of these vehicles by American consumers. And so, their support for building new facilities to convert from ICE vehicles or hybrids to either fuel cell or battery electric vehicles. And we are also seeing the new/used vehicle tax credit, which will help make it more affordable for low-and moderate-income households as there are more used vehicles available in the market. We are also

seeing the build-out of charging infrastructure, as we mentioned earlier as well.

Ms. STANSBURY. Absolutely, and I am really glad that you mentioned that. In New Mexico, which is a very rural state that infrastructure is going to be vital. And it also goes hand-in-hand with the electrification transition that our utilities are undertaking to bring renewables online because it also helps to stabilize our grid as well. So, all around this is a transition that is happening. The U.S. Government has passed legislation to help support it. I have run out of time, but I think in a later round, I will address some of the other issues. Thank you very much.

Mr. FALLON. Thank you. The Chair now recognizes Mr. Edwards from North Carolina.

Mr. EDWARDS. Thank you, Mr. Chair. I heard my colleague from the other side of the aisle just a few seconds ago say that, to all of us and to the American people, that in just a few years we are going to be driving electric vehicles whether we like it or not. Therein, itself, lies the problem. This is the United States of America. We should be able to make choices what we want to drive. The people in my district demand that they get to make their choices. They are tired of this bureaucracy and this Administration telling them back at home what they have to do.

I want to change the conversation a little bit to another critical situation that I can envision. And my friend, Mrs. Luna, a while ago illustrated, in representing her state of Florida, what the highways may look like in the evacuation from a hurricane. There is another situation that I envision here because this world is getting to be more and more of a dangerous place, and our enemies are getting wiser and wiser as to what they can do to disrupt American lives. I know that there are enemies out there that are developing technologies to create electronic magnetic pulses.

Mr. Bradbury, neither of us are physicists, but we do have a great deal of common sense. What do you think is more susceptible to an enemy bombing us with an EMP, an internal combustion engine or a total electronic vehicle?

Mr. BRADBURY. Well, as you said, Congressman, I am not an expert on the pulse risk that you described. I do know that these days, a lot of internal combustion engine vehicles have a lot of electronics of their own and electrical systems. But a good old-fashioned internal combustion engine vehicle, maybe 10, 20 years old, we have a lot of those on the road these days. You know, the age of our fleet is getting older and older, so there are a lot of people in this country who depend on aging internal combustion engine vehicles, the old reliable. Those are going to be a lot less susceptible to electrical disturbance like that.

Mr. EDWARDS. That would be my vision as well. Mx. Baker-Branstetter, do electronic vehicles have any engineering or protection in them in the case of an EMP?

Mx. BAKER-BRANSTETTER. I do not know the answer to that question.

Mr. EDWARDS. I would imagine the answer is no. Can you imagine what these highways leading across the river to Washington, DC. would look like in the case of an electromagnetic pulse instituted by our enemies, maybe about 9 in the morning where every

vehicle 15 years from now would be motionless, folks trying to get into Washington, DC.? Can you imagine what that would look like?

Mr. BAKER-BRANSTETTER. That sounds like a terrible scenario.

Mr. EDWARDS. Yes, that would be a terrible scenario. Mr. Bradbury, just last year, the Supreme Court slapped EPA down in *West Virginia v. EPA* for abusing the Clean Air Act provisions to fundamentally transform a major sector of the economy. Isn't EPA doing the exact same thing with these proposed EV rules?

Mr. BRADBURY. Yes. As I tried to explain in my prepared statement and in my oral statement, it really is remarkably similar. It is a shift into a whole new technology, which is exactly what they were trying to do with the Clean Power Plan. I think it is actually even more extreme because in the Clean Power Plan, they were trying to get coal plants to pay a little money to marginally subsidize the renewable generators.

Here it is the very same entities that they are actually telling them, you really got to change entirely your production processes, build whole new plants, design and build entirely different cars from bumper to bumper, entirely different power trains, and you have got to fund it yourself. And big question mark is whether there is going to be sufficient market demand for the full scope, scale, and pace of the conversion that EPA has in mind. I think, actually, EPA's rule says they do not expect there will be. They try to quantify.

I think they are too rosy in their quantifications of consumer demand. But I think they acknowledged that even with all of the Federal subsidies that were just passed, they do not expect that the market share and the percentage of EVs would get anywhere close to where they want them to be. That is why they need this rule to double it through regulatory coercion.

Mr. EDWARDS. Thank you for that. I thank all of you for being here. Mr. Chair, I yield.

Mr. FALLON. Thank you. The Chair now recognizes Mr. Perry from Pennsylvania.

Mr. PERRY. I thank the Chairman. I thank the witnesses for taking your time to be here today. Mr. Roe, I have a lot of questions, so I am going to throw a couple to you here, try and make it worth your while if nothing else. Is ethanol, as a vehicle fuel, and I will just ask, is it currently economically viable?

Mr. ROE. Yes. Thank you for the question, Mr. Perry, through there. Yes, absolutely. You know that there has not been a direct ethanol subsidy for over 11 years now, through that. And through improvements to technology, both in production of our feedstocks and in improvements of our ethanol plant production practices, continues to extract more value-added products out of the same processes.

Mr. PERRY. OK. So, then you would agree based on that, that it is time we eliminate tax credits, mandatory consumption, and the crop insurance that supports it, right? All USDA subsidies? You just said it was economically viable, does not receive any subsidy. So, you are good with eliminating all that stuff that then supports the production of ethanol in the United States?

Mr. ROE. On the farm level, you know, I think it is important to have a safety net for foods.

Mr. PERRY. OK. But I am not talking about safety net for food and all that stuff.

Mr. ROE. OK.

Mr. PERRY. I am just talking about ethanol being economically viable, and you just agreed with me. So, if you agree with me, then you should be good with eliminating, like, mandated consumption, Federal Government mandates. Everybody in this room, ever been in this country, if they are going to buy gasoline and use it, the United States of America, they are going to buy ethanol, including the stuff that comes from Brazil. I just want to get for the record where you are because you said it is economically viable. So, are we good or not?

Mr. ROE. Yes, I think you are speaking to that, the RFS—

Mr. PERRY. Yes, I am.

Mr. ROE [continuing]. The renewable fuel standard there. You know, that was a congressional—

Mr. PERRY. I know, sir. Mr. Roe, I know what it was.

Mr. ROE. Yes.

Mr. PERRY. Well, I think we have cleared that up. All right. Mr. Bradbury, I have listened to my colleague on the other side of the aisle, I am sure well-intended. You know, just as an overarching principle, what in the hell does this government think it has the right? Where does it get the right to ban gas stoves, gas vehicles, you know, certain types of clothing? Who are these people? What affords them? You know, I carry this thing around with me. Maybe I am idealistic or something. It is not a long read. Ladies and gentlemen, Constitution of the United States right here. Tell me, if you can, where in here it says that this government says to me or anybody else you cannot own that?

Mr. BRADBURY. It doesn't. It gives this body, the Congress, under Article I, authority to regulate interstate commerce, but regulating interstate commerce has rarely involved bans on products. Now, Congress has the authority to do that.

Mr. PERRY. Congress has the authority? Who is—

Mr. BRADBURY. But the administrative state, like the EPA, I think as the Supreme Court is increasingly making clear, has to show a clear, specific, and expressed delegation of authority, and it cannot be too much authority. It cannot be real legislative authority, but authority to the administrative agency to do a rule-making, but it has to be clear. And here, I think what we are seeing across the government, it was mentioned, practically every single department and agency of this government is going well beyond the bounds of the statutes that Congress enacted for them to implement.

Many of these statutes date back, like the ones we are talking about here, the Clean Air Act goes back to 1970. Many of these statutes go back to the 1970's, and they do give expansive authority in particular areas. But they are being taken and exploited and applied way beyond any realm that Congress, that the Congress that have voted and approved them, ever contemplated.

Mr. PERRY. Can I ask you? I think because you are going to take the time to answer the question, I think one of my colleagues on the other side of the aisle said that this is the direction that the industry is going. We are not going to have any choice, you are

going to buy one whether you like it or not, if you wish to travel because that is where the industry is going. Are they going there of their own volition or are they being coerced to go there through regulatory process and subsidy?

Mr. BRADBURY. Well, they are being told by governments around the world that this is what they have to do—China, European Union, and now the Biden Administration—but also Governor Newsom and the California Air Resources Board in California is telling them they have to do this. So, they are under compulsion to try to develop these zero emission vehicles and sell them.

And so, they are saying the things that the government powers that be want to hear them say. I think they are making promises and pledges, but I think in their minds, this will all depend on whether there is a market for these products. And they are not just going to build facilities and convert all of their capacity if, in fact, the marketplace is not there and the demand is not there. That is the No. 1 problem they have for getting to their pledged results is the resistance from the American consumer. American families love their internal combustion engine vehicle—

Mr. FALLON. And the gentleman's time has expired.

Mr. BRADBURY. Thank you.

Mr. FALLON. The gentleman's time has expired. The Chair now recognizes Mr. Langworthy from New York.

Mr. LANGWORTHY. Well, thank you very much, Mr. Chairman and thank you to the witnesses for joining us here today.

I would like to start with Mr. Kantor and discuss the implications of recent EPA rulings on market competition. It appears that these rulings convey a very distinct message, and that is that the government chose electric vehicles as the winners and internal combustion engines as losers. That poses significant risks to both competition and to innovation. Could you share your perspective on the relationship between the EPA rulings and market competition?

Mr. KANTOR. Yes. Thank you for the question. We are concerned that what this rule will do is push automakers to move their engineering resources and their focus of innovation away from internal combustion engines and just toward electric vehicles. Now, some of that is happening as a market measure anyway, and that is great where it is happening as a response to the market. But here, we think that gives us worse results than we would get otherwise, and let me tell you why.

If you look at the consulting firm, McKinsey, they estimate, and they are one of the most aggressive estimators so far on this, 48 percent of new vehicle sales to be electric by 2030. But even with that number, 48 percent of new vehicle sales, most vehicle sales are used cars. The turnover rate of the fleet is very low, and so that only means 17 percent of the vehicles in the fleet in the U.S. at that point in 2030 would be electric. And most of the vehicles still on the road as a result of that would be some of the least efficient vehicles. So, the entire reduction in gasoline demand from 48 percent of new vehicle sales being electric would be four percent. That does not get us to the environmental goals we are talking about. That does not get us to the economic goals we are talking about. It is not the best outcome. So, we need those resources to go toward internal combustion engines and liquid fuels too.

Mr. LANGWORTHY. On a related note, EPA rulings, they remove the investment opportunities in cleaner use of natural gas. Mr. Kantor, could you please discuss the significance of fostering innovation in the areas of natural gas in the internal combustion engine process?

Mr. KANTOR. Absolutely. Look, natural gas has taken more carbon out of the atmosphere to date than electric vehicles have in total. The same is true for renewable fuels, things like ethanol, renewable diesel, biodiesel. We have seen tremendous gains. Just to give you a sense, look over the past 30 years, criteria pollutants from internal combustion engine vehicles have been reduced by 99 percent. That is a great track record of success. Since 2004, carbon dioxide is down 25 percent and fuel efficiency is up 32 percent. There is a lot we can do.

Natural gas is a part of that mix. You see it in buses and larger vehicles. And frankly, it is a more realistic near-term move for those heavy-duty vehicles than electricity because of the tremendous amount of time it takes to charge up the huge batteries necessary for heavy-duty vehicles. So, we should be using all of these things in the mix, including natural gas, and setting performance goals so that all these different technologies can work to all of our benefits.

Mr. LANGWORTHY. We see it at my very district where Cummins Engine has just released the state-of-the-art 15-liter natural gas engine that will be transporting things for many years to come, but, you know, they are being edged out in this marketplace. Another crucial technology, which was also deemed a loser by the electric vehicle industry is AM radio, and you are starting to hear this more and more. I would like to draw attention to the fact that the electric vehicle manufacturers, they are actually removing AM radio functionality from these vehicles.

And instead of removing AM radios from new vehicles, shouldn't we focus on fostering innovation to find solutions that ensures that millions of Americans get to listen to the programming on AM radio that have for years and years and years and they are able to continue benefiting for it? Mr. Roe, could you speak briefly about AM radio, especially from your point of view, in the agricultural world?

Mr. ROE. Yes. Thank you for the question there. And yes, speaking as a farmer and rural resident or whatever, AM radio for farm talk, it is our livelihood. It is where we receive information on weather, on markets that impact everything, especially in rural areas that do not have the outreach for other larger markets. So, it would be a phenomenal shift in how we receive news throughout today if those were to go away.

Mr. LANGWORTHY. Well, thank you very much for your time, and I yield back, Mr. Chairman.

Mr. FALLON. Thank you. The Chair now recognizes Ms. Stansbury of New Mexico for a close.

Ms. STANSBURY. All right. Well, thank you, Mr. Chairman. I think it is critical that we talk about these issues. And I want to clarify that what we are talking about here is addressing emissions in the vehicle sector so that we can avert a global climate crisis.

Industry is already headed that direction. The market is already headed in that direction.

No one is banning electric or gasoline vehicles. Nobody is trying to take your stoves away. Nobody is going to take your beloved classic car away. Industry is headed toward the electrical market because that is the market of the future. Just in the same way over the last 20 years we have transitioned to more electronics, daily hand-held electronics in our lives, you can still be able to use your home phone if you like or your flip phone. This will increase the opportunities and freedoms to embrace different kinds of transportation while addressing our climate crisis.

So, this transition is crucial to our economy. It is crucial to our planet. And the significant legislation that we passed the last Congress is going to help make it possible for this transition to occur. That includes the Bipartisan Infrastructure Law, The Inflation Reduction Act, and, of course, the CHIPS Act, as I mentioned.

So, Mr. Chairman, I really appreciate you convening this hearing today, and I continue to be committed to help and support our communities as they are making this transition and to helping build a more sustainable and just and equitable planet. Thank you.

Mr. FALLON. Thank you. I now recognize myself for my close.

You know, unfortunately, when the hearing began, we heard an attack on one of the witnesses and his character and his past, and that has happened before. It has become a modus operandi, and I think it is unfortunate. And then, of course, you hear the implicit, you know, these Republicans do not understand the impending crisis, or, you know, they are evil, and we have the need to, you know, immediate action.

Well, we are talking about right here, the lack of authority for a government agency. They cannot pass laws. They are trying to force rules that, in effect, become laws, and the Supreme Court has already ruled on a very similar case and said that the precedent is that you cannot do this. So, the chances of this rule even passing judicial muster is very slim, so it should not have been done in the first place. They did not have the authority, and it is not going to stand.

Now, let us talk about costs. The cost of the combustion engine car right now on average is about a little over \$45,000. Cost of an electric car right now is little over \$61,000, 35 percent more. And what I think one of the unintended consequences is going to be, if this rule actually was held and went into effect, would be that people are going to hold on to their older cars longer.

I think we can all agree that if you have a combustion engine vehicle, let us say, was built in 2018 and a combustion engine vehicle that will have been, you know, built in 2032, that is going to be far more efficient and better for the environment. But you are not going to have that because they are going to hold on to it, and I think the price of used combustion vehicles may go up quite a bit because of that.

Well, I have not heard anybody ever—I have been in Congress 2 1/2 years—say that they want more carbon footprint, they want a larger carbon footprint, they want more carbon dioxide in the atmosphere. I just have not heard that, but I think what I have heard from the folks on our side of the aisle would be we want to

reduce our carbon footprint. We want to do an all-of-the-above approach. Renewable fuels was talked about—wind, solar, hydro, nuclear, cleaner fossil fuels, like natural gas, and using hybrid vehicles. The all-of-the-above approach seems to be the way to go because it is also realistic.

And then you got the situation with rare earth minerals, and you know, lithium, cobalt, nickel, the things that are required to make the batteries for these vehicles, and China is dominating the market. So, what I fear we are seeing here is, again, unintended consequences of making the United States weaker and China stronger because we grow more dependent on them. And that is not an outcome that, I would think, no one in this room or in this chamber would want.

And then, you know, electric vehicles, I mean, again, I have one. It was pricey and my wife wanted it, but it works for her because she drives in short spurts, and it is fine. But if they are so awesome for the general consumer and they are going to end up being cheaper to use and they have all these great incredible economic benefits, then why does this need to be forced onto the American consumer by unlawful, unconstitutional dictates? It does not make a lot of sense and it does not square up.

So also, just to correct the record, regarding Representative Luna's line of questioning, when asked about shutting out petroleum in South Korea, Mx. Baker-Branstetter said that the U.S. grid has a lot more diversity in grid resources than South Korean grid, and relying on homegrown domestic energy through the electric grid here is a much different scenario than compared to South Korea. I do not think North Korea has a large carbon footprint. But the South Koreans, actually, their fossil fuel power composition is about 66 percent. Very comparable to the U.S., is 60 percent. This is according to the U.S. Energy Information Administration. So, if they are having issues, you know, so are we, and the only difference is that their government admits it.

So, with that, it is a good and healthy discussion to have. You know, I think technology is going to improve to help us reduce our carbon footprint, but the last and final point is this: United States is not a planet. We talked about this before. We are a Nation. We are a country, and I am very proud of my country, our country, that we have reduced our carbon footprint over the last 20 years. Estimates are over 20 percent; 2023, 24 percent. And we are continuing to do that because we have a strong environmental lobby, we have rule of law, we have an independent judiciary, we have a vibrant republic. But China has increased their carbon footprint by 300 percent. So, when we do these things and they open two new coal plants, the equivalent of that every week, that is concerning to me. And I would love my friends on the other side of the aisle and the activists that support them to recognize and acknowledge that there should be some picketing outside of Chinese consulates and embassies, if you are a true environmentalist.

So, with that, I want to thank our witnesses very much. And with that and without objection, all Members will have five legislative days within which to submit materials and to submit additional written questions for witnesses, which will be forwarded to the witnesses for their response.

Mr. FALLON. If there is no further business, without objection, the Subcommittee stands adjourned. Thank you very much.
[Whereupon, at 3:31 p.m., the Subcommittee was adjourned.]

