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U.S. Senate Date: Wednesday, September 7, 2022

Committee on Environment  
and Public Works

Washington, D.C.

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A LEGISLATIVE HEARING TO EXAMINE S. 2736, THE RECOGNIZING THE PROTECTION OF MOTORSPORTS ACT OF 2021; S. 1475, THE LIVESTOCK REGULATORY PROTECTION ACT OF 2021; S. 2661, SMOKE-READY COMMUNITIES ACT OF 2021; AND S. 2421, THE SMOKE PLANNING AND RESEARCH ACT OF 2021

Wednesday, September 7, 2022

United States Senate

Committee on Environment and Public Works

Washington, D.C.

The committee, met, pursuant to notice, at 10:04 a.m. in room 406, Dirksen Senate Office Building, the Honorable Thomas R. Carper [chairman of the committee] presiding.

Present: Senators Carper, Capito, Whitehouse, Merkley, Markey, Kelly, Padilla, Inhofe, Boozman, Ernst.

STATEMENT OF THE HONORABLE THOMAS R. CARPER, A UNITED STATES  
SENATOR FROM THE STATE OF DELAWARE

Senator Carper. Good morning, everyone.

I am going to ask our guests to please take their seats.  
Senator Capito and I are happy to welcome you all.

We have been in recess for a while. It took me a while to  
find this room, but I finally wandered into the right hearing  
room. It is good to be back.

Today's hearing is our committee's first hearing since the  
passage of the Inflation Reduction Act, the most significant  
investment to combat climate change in our Nation's history. I  
would like to take a moment to discuss the significance of this  
law before we turn to the hearing itself.

This historic law is going to deliver nearly \$370 billion  
in climate and clean energy funding that will put our Nation on  
track to reduce greenhouse gas emissions by 40 percent below  
2005 levels by 2030. This is a critical down payment on  
reaching the President' goals on cutting emissions in half by  
the end of this decade and achieving net-zero emissions by 2050.  
These investments will also significantly reduce emissions that  
impact our Nation's air quality, helping all Americans breathe a  
little easier.

Passing this law could not have come at a more critical  
time. As many of you now, this week, heavy rainfall flooded

streets and highways surrounding Providence, Rhode Island. Temperatures in Sacramento, California broke all-time records amid a historic heatwave in that State. It is quite clear that climate crisis is here, and this extreme weather is impacting the air that we breathe.

Currently, there are nearly 70 wildfires burning across this Country. Along with the destruction that wildfires bring, the smoke they release contains particulate matter and other air pollutants that pose a threat to human health. Smoke doesn't just threaten nearby communities, but also downwind communities, as well. We know that smoke from wildfires in the West has reached as far as our States here on the East Coast. Some people say that we are at the end of America's tailpipe, and some days, I fully agree with that.

As these wildfires become more frequent and severe, so do the emissions that they create. The health risks from exposures to this pollution are even greater for disadvantaged communities, including rural communities, which are often more vulnerable to wildfires and the resulting air pollution.

That is why we have made mitigating the climate and health risks from wildfires eligible for funding under our Environmental and Climate Justice Block Grants Program in the Inflation Reduction Act. This new program provides \$3 billion in grants and technical assistance for mitigating environmental

issues in disadvantaged communities.

That brings me to Senator Merkley's two pieces of legislation that we are considering today, along with several others. The Smoke-Ready Communities Act would create a grant program to support communities in preparing for and responding to the potential health risks from harmful air emissions that emanate from wildfires. The Smoke Planning and Research Act would support community planning and research activities on the effects of smoke emissions from wildfires on human health. I look forward to hearing more about these bills shortly from Senator Merkley and our witnesses.

Before we do, however, let me turn to another piece of legislation that we are going to examine today. That is the Recognizing the Protection of Motorsports Act, also known as RPM Act. This legislation seeks to clarify that racecars do not need to meet Clean Air Act emissions requirements. I commend Senator Kelly for his leadership on this legislation, as well as our good friend, Senator Burr, the original sponsor of the bill.

We can all agree that racecar drivers shouldn't face liability for the emissions of their cars that are used solely for organized competition. Fortunately, as EPA has informed us, the agency has never sought to assert that individual drivers are liable under the Clean Air Act. But as a \$10 million civil penalty announced last week makes clear, bad actors are

attempting to exploit the racing community to sell devices that tamper with pollution controls for on-road use.

While I do have concerns that this legislation is a solution without a problem, I look forward to hearing from all of our witnesses today and seeing if we can reach an agreement on language to clarify this point without inadvertently creating new uncertainties or opportunities for litigation in the law.

Finally, the fourth bill we are considering today is Senator Thune's legislation, the Livestock Regulatory Protection Act. This legislation would restrict EPA's ability to issue permits under the Clean Air Act for emissions from certain agricultural activities, especially those relating to biological processes for livestock farming.

As we discuss this legislation today, it is worth noting that EPA already refrains from issuing such permits. Why is that? One reason is the inclusion of language similar to Senator Thune's bill in annual appropriations legislation for several years now. That means the decision on whether this restriction is necessary is up to Congress each year, not the EPA. Doing so provides Congress with important flexibility.

With that, again, we want to thank our panel of witnesses for joining us today. We look forward to hearing from each of you as part of our discussion.

Before we do, though, let me first turn to our Ranking

Member, Senator Capito, for her opening statement. Senator Capito, it is good to see you. You are recognized.

[The prepared statement of Senator Carper follows:]

STATEMENT OF THE HONORABLE SHELLEY MOORE CAPITO, A UNITED STATES  
SENATOR FROM THE STATE OF WEST VIRGINIA

Senator Capito. Thank you, Chairman Carper. It is good to be back, and it is nice to see the members of the committee.

I would also, before I begin, note that Senator Burr, who is one of the main cosponsors of one of the bills, the RPM Act, could not make it today, so I would ask unanimous consent to include a written statement from Senator Burr.

Senator Carper. Without objection.

Senator Capito. Senator Tillis is also on the statement.

[The referenced information follows:]



Senator Carper. [Presiding.] I want to thank our witnesses for joining us here today, and I look forward to hearing from each of you.

We are here to consider four bills: the Livestock Regulatory Protection Act, the Recognizing the Protection of Motorsports Act, the Smoke-Ready Communities Act, and the Smoke Planning and Research Act. These bills relate to EPA's authority on issues spanning from livestock to racing vehicles to wildfire smoke.

I am more interested to hear about Senator Merkley's bills, the Smoke-Ready Communities Act and the Smoke Planning and Research Act, but I do want to highlight that EPA has existing authority to fund wildfire research, including through the "Science to Achieve Results" STAR Program. That program has provided research funds for universities for wildfire research, which appears to be something that Senator Merkley's bill, the Smoke Planning and Research Act, would reauthorize in a separate program, and I would like to understand if there is any duplication there.

In 2021, EPA awarded \$9 million in grant funding for researchers to develop approaches and strategies to reduce the risks of smoke from wildfire and prescribed burn, and through the Democrats' what I call a reckless tax and spending spree that we just saw last month, EPA has been provided with

excessive additional funding and authorities. EPA, and the Chairman mentioned this, received funding for air monitoring, which can be used for wildfires, as well as a \$3 billion grant that can award funding to mitigate climate and health risks from wildfire events. I question the need for an even greater increase in EPA power and appropriations in light of the recent spending.

As we consider the other topics before us today, I want to thank Chairman Carper for agreeing to consider two bipartisan bills during this hearing: the Livestock Regulatory Protection Act and the RPM Act. These two bills are narrowly tailored to provide clear relief and certainty to critical American groups that could suffer outsized costs from EPA regulation: farmers and ranchers and motorsports enthusiasts, which are rampant in my State.

The regulatory threat is real and we have already seen this Administration take a very expansive view of EPA's authority under the Clean Air Act when evaluating the energy sector.

The first bill I will talk about is the Livestock Regulatory Protection Act, which would ensure EPA cannot establish a new cow tax and would prohibit EPA from requiring Clean Air Act permits related to livestock emissions.

Farmers and ranchers are on the front lines of dealing with rising prices, including higher costs of fertilizer, feed, fuel,

and equipment that are vital to their operations. Enacting Senator Thune's bipartisan, straightforward bill, which is cosponsored by Senator Kelly, a member of this committee, and thank you for that, Senator Boozman, and Senator Sinema, could codify a narrow exemption for livestock. I would note that Majority Leader Schumer himself supported Senator Thune's bill when it was introduced back in 2009.

I am also pleased to speak in support of necessary relief for racecar enthusiasts and their supporting industries. I have proudly supported Senator Burr's RPM Act since it was first proposed. This legislation seems so simple to me. As introduced, it has broad, bipartisan support, including on this committee. In addition to myself, four other committee members are supportive. Senator Kelly, and thank you for that support, Senator Inhofe, Senator Ernst, and Senator Sullivan are also cosponsors. In total, the bill has 32 cosponsors, including 11 Democrat cosponsors.

Back in 2017, when I was chair of the Subcommittee on Clean Air and Nuclear Safety, we held a hearing on the RPM Act. As we heard then and we will hear again today, Americans all over the Country enjoy the hobby of modifying vehicles into racecars. The RPM Act would clarify that vehicles to be used solely for competition are not to be treated like the cars that drive on our Nation's roads. Congress never intended for cars that have

been modified from street use to race car track use to be regulated.

This legislation would provide a narrow exemption, again, narrow, to ensure that small business that help hobbyists who transition their vehicles into racecars, that are not driven on the road and cannot be driven on the road, are not unfairly punished or targeted through EPA enforcement, because that was never the intent of this Congress.

I am glad that we are hearing about these bills today, and I hope to learn more from our witnesses. Thank you again for holding the hearing. Senator Merkley?

[The prepared statement of Senator Capito follows:]

Senator Merkley. Thank you very much, Senator Capito.

Senator Capito. You just want to take the gavel, right?

Senator Merkley. My imaginary gavel.

Senator Capito. Here it is.

[Laughter.]

Senator Merkley. [Presiding.] I am delighted we are looking at this set of bills today. Next, we are going to turn to Senator Kelly to make a statement about Recognizing the Protection of Motorsports Act, or RPM, as Senator Capito referred to, of which he is an original cosponsor.

Senator Kelly?

STATEMENT OF THE HONORABLE MARK KELLY, A UNITED STATES SENATOR  
FROM THE STATE OF ARIZONA

Senator Kelly. Thank you, Mr. Chairman.

Let me start by saying that I appreciate Chairman Carper's willingness to hold a hearing today on the Recognizing the Protection of Motorsports Act, or RPM Act.

Racing is a very important thing to many Arizonans. It is part of our State's legacy. In my hometown of Tucson, Arizona, we have a street called Speedway Boulevard. I don't live more than maybe a half a mile from Speedway. The name of the street dates back to 1911, before Arizona was a State, when the road hosted the first-ever auto race in southern Arizona. Records from the time indicate that the race was so popular that more than half of the population of Tucson attended.

Motorsports continue to be an important thing to thousands of amateur racers in Arizona and the more than 100,000 Arizonans who attend motorsports events each and every year, including me. I have often gone down to the NHRA race outside of Phoenix. That also includes my wife, who raced motorcycles herself on a track in Arizona when she was in her twenties. When she was in Congress, my wife, Gabby Giffords, was a part of the House Motorcycle Caucus. She would regularly ride motorcycles near Patagonia and in southern Arizona. She still owns that motorcycle today, which will turn 50, not her, but the

motorcycle will turn 50 years old this year.

The RPM Act will help provide some certainty to Arizona's amateur racers and auto mechanics from EPA regulations which could harm their ability to enjoy their hobby. The goal of this bill and the reason that I support it is to provide a narrow exemption to Clean Air Act regulations, which govern vehicle emissions to allow those amateur racers to improve the performance of their vehicle without worrying that they are breaking the law.

I recognize that this bill needs work in order for it to be included in a committee markup. I agree that we need to ensure that any amendments to the Clean Air Act preserve EPA's authority to go after bad actors, such as folks who sell and install defeat devices to illegally modify emissions controls on street vehicles. I know that our staffs have been discussing a potential path forward with EPW committee staff. I want to say how grateful I am for Chairman Carper's engagement and shared commitment to a path forward.

I also want to be sure to acknowledge the leadership of Senator Burr, who has been a champion for this legislation for years, as well as our other co-leads on this bill, Senators Tester, Manchin, Tillis, and Ernst. I hope this hearing is another step forward toward the goal of finding a compromise where we can provide certainty to the racers, to the mechanics



and retailers who are committed to following the law, while continuing to reduce emissions from the transportation sector.

With that, Mr. Chairman, I yield back.

[The prepared statement of Senator Kelly follows:]

Senator Merkley. Thank you very much, Senator Kelly. Can you hear the roar of the racetrack from your home?

Senator Kelly. I cannot, but I tell you, there is nothing like standing next to a top-fuel dragster, just feet away, when that thing takes off. It kind of reminds me of being in the rocket ship.

Senator Merkley. I was thinking, as you were speaking, about the sport of quarter midget racing, which is racing in which youth participate in. I raced quarter midgets for many years when I was growing up, and I wouldn't want to be arrested for violating clean air laws, so thank you.

We are now going to turn to our first panel, which is our esteemed colleague from the State of South Dakota, Senator John Thune. He is the lead sponsor of one of the pieces of legislation we are examining today, the Livestock Regulatory Protection Act.

Senator Thune, welcome to the committee. You can proceed.

STATEMENT OF THE HONORABLE JOHN THUNE, A UNITED STATES SENATOR  
FROM THE STATE OF SOUTH DAKOTA

Senator Thune. Thank you, Mr. Chairman and Ranking Member Capito, for holding today's legislative hearing to consider the Livestock Regulatory Protection Act. I also want to thank the South Dakota Farm Bureau Federation President and American Farm Bureau Federation Vice President, Scott VanderWal, for being here and for his testimony on this important legislation.

I have long been concerned with efforts to impose onerous regulations and costly permit fees on animal emissions and the negative effect it would have on U.S. agricultural producers' ability to continue providing a safe and abundant food supply for our Nation and the world. Regulating animal emissions could ultimately lead to higher food costs for consumers who are already facing increased food prices.

Contrary to the story that is being pushed by opponents of the beef industry, beef production is directly responsible for only a tiny fraction of U.S. emissions. Cattle actually play an important role in managing pasturelands that sequester vast amounts of carbon.

On top of that, it has become clear that with certain feed additives, as well as then capturing and utilizing the energy potential of their waste using biodigesters, it is possible to significantly reduce cattle emissions, making the demonization

of beef even more wrongheaded.

This isn't limited to cattle production. Regulating animal emissions would negatively affect the entire livestock sector, including poultry producers in places like Delaware and dairy producers in places like West Virginia.

To address this, I introduced the Livestock Regulatory Protection Act, along with Senator Sinema. The Livestock Regulatory Protection Act, which is also cosponsored by Senators Boozman and Kelly, would prevent the Environmental Protection Agency from imposing emissions regulations relating to the biological processes of livestock.

I actually introduced this bill years ago with the Democrat leader. This legislation was included in annual funding bills on a bipartisan basis for a number of years after the Democrat leader and I first introduced it. Unfortunately, Democrats have omitted this important protection in their recent spending proposals, and it has had to be secured in final spending bills.

Passing this legislation would provide livestock producers long-term certainty that their livelihoods will not be compromised by regulatory overreach.

I want to thank you for holding today's hearing. I want to urge this committee to swiftly advance this important legislation. Thank you, Mr. Chairman.

[The prepared statement of Senator Thune follows:]

STATEMENT OF THE HONORABLE JEFF MERKLEY, A UNITED STATES SENATOR  
FROM THE STATE OF OREGON

Senator Merkley. Thank you very much, Senator Thune.

Now, we will turn to two witnesses related to my bills, and I will make my statement on that, and then we are going to turn to another witness related to the racing car bill.

Why don't we have the second panel come to their seats right now?

Welcome. Good to have all of you here. I will address Senate Bill 2661, the Smoke-Ready Communities Act and 2421, the Smoke Planning and Research Act.

Communities are on the front lines across the Country, in wildfire country, and the west is burning. Thus, much more effects of wildfire smoke on agriculture, on our workers who work outdoors, certainly on our communities. As a result, we need to address some of these increased challenges. These two bills are designed to do that.

The deadly wildfires are once again blazing across my home State and creating very poor-quality smoke. A lot of people end up in the hospital because of the aggravation of asthma. These two bills are very timely. Even as we sit here today, the Double Creek Fire in Northeastern Oregon has burned over 43,000 acres in the last week. The Rum Creek Fire in Josephine County has burned over 19,000 acres, including homes and other

buildings.

When you have fire, you have a lot of smoke. It has a big impact on business, big impact on the economy, big impact on tourism, big impact on outdoor life. There was an exposé on the changes on the Pacific Crest Trail, that I was just reading this morning, where vast sections have been burned. The landscape looks entirely different than it did 10 to 15 years ago.

My wife, Mary, and I have hiked sections of the PCT and seen this firsthand while dodging forest fires and having to leave the trail because of those forest fires. I can tell you, when you are out in the wilderness and you are out of cell phone contact and you are not quite sure where the fires are, and you smell smoke, you start to feel very, very uncomfortable.

Because of the fires raging across our State, the Department of Environmental Quality for the State of Oregon has issued air quality advisories this past weekend for many counties in Oregon where air quality levels are in the unhealthy category. Two years ago, the Labor Day Fire struck our State. It burned six towns to ashes. It looked like they had been firebombed in a war.

I traveled 600 miles in my State and never got out of the smoke. I don't know that that has ever happened anywhere in the west, that you could travel so far and be completely in the smoke. I went from the northern border to the southern border

and back again.

Last summer's Bootleg Fire set smoke clouds travelling from Oregon to here, Washington D.C., 2,800 miles. This is not just something that affects a community, say, a mile or two from a fire.

Many, many people being impacted, the American Lung Association's 2022 State of the Air Report notes that 63 million people now live in counties with failing grades for daily particle pollution, 9 million more people than when they released their report a year earlier. Twenty-four of the 25 worst counties for short-term particle pollution were in the western States because of the wildfires, 24 out of 25 of the worst counties.

We have had some progress. I created a \$4 million EPA grant program in the Interior Appropriations bill to support local efforts to address wildfire smoke hazards. I am proposing increasing that funding. Through a program that here is referred to as Congressionally directed spending, in Oregon, we call it community-initiated projects, because the idea is that the communities initiate the project that they need, and we fight for them. Senator Wyden and I fight for them. Out of that came the Center for Wildfire Smoke Research and Practice at the University of Oregon, to help address a need for Oregon communities to be better prepared for wildfire smoke events.

Thanks to provisions in the IRA, like the Environmental and Climate Justice Block Grants and the money for air pollution monitoring and reducing air pollution at public schools, we are going to make some much-needed investments. As important as those steps are, there is much more that needs to be done.

The Smoke-Ready Communities Act will establish a grant program for air pollution control agencies to develop and implement programs to monitor and communicate with the public about air quality conditions created by wildfire smoke. It will equip public buildings with air filtration systems.

Many people have heard of heat centers, where you escape the intensified heat, and we have heat of 115 degrees in the City of Portland, something I never thought I would witness in my lifetime. It was very rare to have a day over 90, and then it was rare to have a day over 100, but nobody predicted Death Valley temperatures to be in the Willamette Valley.

Equip public gatherings, public buildings with filtration systems to protect from harmful events, and store and distribute N-95 masks.

The Smoke Planning and Research Act would direct the EPA to create four centers of excellence for wildfire smoke.

Essentially, the pilot project for that is the project at the University of Oregon. The centers will conduct research on the effects of wildfire smoke on public health, as well as ways in



which communities can better respond to its impacts. The bill would direct the EPA to develop and distribute ways to reduce exposure to smoke and to reduce adverse health effects of smoke emissions, along with increasing the quality of smoke monitoring and prediction. It would create a grant program to help the development and implementation of collaborative community plans for confronting the impacts of wildfire smoke.

Both of these bills have received support from organizations that pay attention to the health and well-being of our communities and the people who live in them.

At this time, I ask unanimous consent for submitting for the record letters of support for bills S. 2661 and S. 2421, including a letter from the American Lung Association. Hearing no objections, so approved.

[The referenced information follows:]

Senator Merkley. With the threat and frequency of wildfires continuing to grow every year, communities are continuing to confront these dangers. When some of these intensive fires occurred, really, they have been steadily growing over the last 20 years and over the last five to ten years, there has been enormous change. We really realize how much more we need to do.

As wildfires burn, the smoke fills our skies. It degrades our air quality. It threatens our health, it threatens our economic well-being, and we need to do all we can. These two bills will help in that.

I really appreciate the Chairman and Ranking Member for holding a hearing on these two bills today.

[The prepared statement of Senator Merkley follows:]

Now, I have the pleasure of introducing a fellow Oregonian, Cass Moseley, welcome, who can not only personally attest the challenges we face in the State from the wildfires and the smoke they produce, but also share her academic experience and her expertise about why these bills are critical. She is a member of the University of Oregon community for over two decades. She serves as the Vice Provost for Academic Operations and Strategy. She is a research professor with the Institute for a Sustainable Environment, and a senior policy advisor in the school's Ecosystem Workforce Program.

She is a recognized expert in natural resource policy, including forest, wildfire, bioenergy, rule development policy, and Federal land management. She has studied the changing face of western wildfire management with a particular focus on how natural resource policies affect rural communities, businesses, and workers, including immigrant forest workers. We are thrilled to have such a knowledgeable and accomplished fellow Oregonian here to address this issue.

Thank you.

STATEMENT OF CASSANDRA MOSELEY, VICE PROVOST FOR ACADEMIC OPERATIONS AND STRATEGY; RESEARCH PROFESSOR, INSTITUTE FOR A SUSTAINABLE ENVIRONMENT; SENIOR POLICY ADVISOR, ECOSYSTEM WORKFORCE PROGRAM

Ms. Moseley. Thank you, Senator Merkley, for that kind introduction, and thank you to the committee for holding this really important hearing today.

Driven by climate change and a century of wildfire suppression, wildfires are growing in size and severity across the American West. Wildfire smoke is rapidly increasing public health risks, affecting not only rural communities as we have discussed that are located near these fires, but increasingly in major urban centers, hundreds or even thousands of miles away.

Exposure to fine particulate matter contained in smoke is associated with many different negative outcomes. People with respiratory disease, the young, elderly, and pregnant women are particularly vulnerable to these risks. Households and individuals need to be prepared to act quickly when smoke arrives, and yet many lack the information about the practical steps they can take to keep themselves safe.

A central strategy for reducing smoke exposure is to go indoors, but for those who are unhoused or whose livelihood involves outdoor work, this may be difficult to achieve. Moreover, houses and other buildings, particularly in low-income

communities, may lack the filtration systems and the insulation to effectively protect against smoke intrusions, especially these long duration events, such as the one that Senator Merkley referred to earlier, that I too lived indoors for two weeks around.

Special attention is needed to ensure that both medically and socially vulnerable populations can limit their exposure to wildfire smoke. Today I want to suggest five key ingredients to foster smoke-ready communities.

First, we need to address the underlying drivers of increasing wildfire smoke. We need to reduce greenhouse gas emissions so that we can slow climate-driven wildfire. In addition, we need hazardous fuels reduction using mechanical treatments and prescribed fire in places where treatments will change fire behavior.

I want to thank this committee for its leadership in the passage of both the Infrastructure Act and the Inflation Reduction Act. These are historic laws that make substantial investment in wildfire risk reduction. In addition, as has already been mentioned, the IRA's Environmental and Climate Justice Block Grants create an opportunity for the EPA to address many of the needs I discuss today.

Second, we need to invest in community planning and preparation. Communities need to be ready to launch measures

during smoke events, and success requires bringing together agencies that work on public health, air quality, along with social service delivery organizations and those who understand wildfire. They need to be creating locally relevant plans. Financial support will be important to the success of these in many low-income communities. The Smoke Planning and Research bill anticipates these needs.

Third, we need to improve indoor air quality to increase the ability of people to seek refuge from smoke. Low-income households may need assistance with enhanced air filtration and weatherization to improve their indoor air quality, and communities need buildings that can act as clean air shelters. Investing in school building retrofits, for example, can also limit educational disruption due to poor air quality. These kinds of activities, along with expanding access to personal protection equipment, are specifically contemplated in the Smoke-Ready Communities bill.

Fourth, we need improved air quality monitoring, smoke forecasting, and communication tools to allow emergency managers and the public to better anticipate and act on smoke events. The EPA's Air Now resource is a valuable source of current smoke conditions, but we continue to need a denser network of high-quality smoke sensors and improved long-term forecasting. In addition to helping with smoke response, improved forecasting

could also help increase prescribed fire, which is a key ingredient in reducing smoke over time.

Finally, we need additional investments in research and development. For example, we need better techniques to empower vulnerable populations. We need decision support tools for emergency managers, better approaches to addressing competing indoor air quality needs, and improved understanding of the relative health effects of wildland and prescribed fire, and many, many other things.

The centers for research excellence that are proposed in the Smoke Planning and Research bill would help create this new kind of capacity to address a number of these really critical challenges.

Let me conclude, again, by thanking the committee for holding this really important hearing today and for your leadership and passage of the Inflation Reduction Act, which should help tackle wildfires over time. I look forward to answering any questions you all may have.

[The prepared statement of Ms. Moseley follows:]

Senator Merkley. Thank you very much, Dr. Moseley.

We are now going to turn to Mr. Walke. Mr. Walke is the Clean Air Climate and Clean Energy Program Director at the Natural Resources Defense Council. He has spearheaded the organization's national cleanup advocacy before Congress and the courts and at the U.S. Environmental Protection Agency and before the public since the year 2000.

Before joining NRDC, he spent years working as an attorney in the EPA's Office of General Counsel, where he worked on issues related to air toxins, monitoring, and enforcement under the Clean Air Act. He is a graduate of Duke University and Harvard Law School, based here in Washington, D.C.

Welcome, very much.



STATEMENT OF JOHN WALKE, DIRECTOR OF CLEAN AIR PROJECT, CLIMATE  
AND CLEAN ENERGY PROGRAM, NATURAL RESOURCES DEFENSE COUNCIL

Mr. Walke. Thank you, Senator Merkley.

EPA has twin goals for balancing the Clean Air Act and the modification of motor vehicles into vehicles used exclusively for competition motor sports, letting racers race while also keeping tampered, high-polluting vehicles off our streets and highways. Those are reasonable goals, I agree. Let racers race.

Unfortunately, most of the RPM Act of 2021 is unreasonable, unbalanced, and not narrow. The bill opens an exemption from anti-tampering and defeat device prohibitions in the Clean Air Act. The committee should reject this bill.

The bill would make it easier for the defeat device industry to continue and actually increase the manufacture and sale of illegal defeat devices for use on America's public roads, polluting American communities and violating the Clean Air Act. Defeat devices on America's streets already are a national scandal. The RPM Act would make that problem much worse.

The Trump EPA, and now the Biden EPA, have concluded that illegal defeat devices have been installed on more than 550,000 diesel pickup trucks in the last decade. In some States, as many as 20 percent of pickup trucks have illegal defeat devices.

EPA concludes these pickup trucks release more than 570,000 tons of illegal excess smog-forming pollution. That is nearly 75 percent of the smog-forming pollution from all electric power plants in America. That is nearly 15 times more illegal smog pollution than the Volkswagen Dieselgate cheating scandal.

This pollution causes asthma attacks in kids, bronchitis, lung cancer, and even premature death. In some States, illegal defeat devices on pickup trucks are causing as much as 66,000 tons of illegal excess smog pollution, just for one segment of the vehicle market.

EPA has brought well over 120 successful enforcement cases against defeat device manufacturers and sellers since 2015. Some were criminal cases. EPA announced successful Clean Air Act enforcement cases against six more defeat device manufacturers and sellers just in the past six days.

In enforcement cases by Republicans and Democrats, defeat device companies tried repeatedly to hide behind false claims that they were selling their products to the racing community for use solely on racetracks. They were not. Defendants often were unable to show any of their products were used solely for motorsport competition.

In one case, a company sold over 8,000 illegal defeat devices, and a Federal judge found the defendant did not "produce a single piece of evidence that a single one of its

products had been used on motorsports vehicles.”

Twenty twenty-one marketing data for the industry shows that the activity of dedicated racing vehicles makes up a mere 2 percent of total use for their products. The vast majority of consumer activities using their products are for running errands, pleasure driving, commuting, and work use, not on racetracks.

Now, the defeat device industry is promoting the RPM Act and hiding behind the racing community once again. EPA says that most defeat devices sold today are for motor vehicles used on public roads. EPA enforcement cases have addressed more than one million illegal defeat devices installed on street vehicles, not racecars.

The RPM Act weakens the Clean Air Act to let defeat device makers and sellers claim it was not their purpose to sell defeat devices for street vehicles, backed up by completely inadequate evidence submitted by buyers, then have those defeat devices end up on hundreds of thousands of street vehicles. The industry would not need to show that any competition-only racecars used their defeat devices exclusively on racetracks. The Clean Air Act, to date, does not let the industry get away with that. The RPM Act would.

EPA has never brought a Clean Air Act enforcement case against a racecar driver. It has no intention of doing so. If

this committee nonetheless concludes that it is necessary to provide even greater assurances to the racing community, it should consider adopting a truly narrow amendment addressing just drivers and their motor vehicles used solely for formal racing competition, with appropriate safeguards to ensure decertified vehicles will not be operated on public streets. But the Clean Air Act should not be weakened or changed as it applies to the defeat device industry.

Finally, I urge this committee not to advance S. 1475, the livestock exemption bill. It is unjustified, as my written testimony details. Moreover, a permanent exemption is unnecessary because Congress has adopted appropriate riders in recent years to accomplish the same outcome as the legislation, but importantly, only on an annual basis that allows yearly review to determine whether the exemption remains appropriate for the following year. S. 1475 dispenses with that and adopts a permanent, harmful exemption.

Thank you for the chance to testify.

[The prepared statement of Mr. Walke follows:]

Senator Carper. [Presiding.] Mr. Walke, thank you for your testimony. Thanks, it is good to see you again. Thanks for coming back before our committee.

We are going to turn now to Mr. Brown, Mr. Antron Brown, a professional drag racer, for his testimony. You are living the life a lot of young boys would like to lead, I suspect.

This is certainly the first time I have introduced a professional racer before our committee, although I have been privileged to know a bunch of them. We have a big racetrack in the NASCAR track in Dover for the Monster Mile. I was once, Senator Capito, when my Town and Country minivan, 2001 Town and Country minivan, went over 500,000 miles, they opened up the track on a Monday morning, and we had a great media event with me driving around the Monster Mile in my minivan at a half a million miles.

[Laughter.]

Senator Carper. I got to hold the starter flag out the window and drive as fast as I could go. I almost ripped my arm off. I did not let go. Today's hearing brings back some happy memories of that day.

Mr. Brown, we are delighted that you are here, and it was very nice meeting you. Welcome. Please proceed.

STATEMENT OF ANTRON BROWN, COMPANY OWNER, PROFESSIONAL DRIVER,  
AB MOTORSPORTS INCORPORATED, NATIONAL HOT ROD ASSOCIATION

Mr. Brown. Pleasure, pleasure. Thank you, everybody for letting me share this moment with you, and thank all the Senators.

Of course, my name is Antron Brown, and with me today I have my son Anson, my son Adler, and my wife, Billie Jo. My children, including my daughter Arianna, all them have been racing literally for over eight years. Adler is our youngest, but he is only 14 years old. I can't stress enough that racing is not our hobby; racing is who we are.

Racing has lifted our family from humble beginnings. Racing has provided us the opportunity to live the true American dream, an American dream that was passed down from my grandfather to my dad, and from my dad to myself.

Racing is our business, and racing is so much more than that. Racing is the educator, teaching me, my children and team about STEM and how to use it in the real world.

Racing instills persistence, which beats resistance each and every day. Racing has brought our family closer together. Racing has made us better people, better teammates, and better Americans. This is our story, and it is the story of millions of Americans.

I actually began riding motorcycles at the age of 4, racing

motorcycles and motocross.

Senator Carper. Was that legal?

Mr. Brown. Yes, yes. Soon as they took the training wheels off, it was sitting there, and my grandpop said, "Get it, boy."

My senior year in high school is when my dad helped me take our street-legal motorcycle and make it into a race bike that we raced at numerous racetracks from Delaware to Pennsylvania to New Jersey, literally like our four-State area that we went racing as a family.

I stand before you today as a three-time NHRA Top Fuel World Champion with 70 national event titles. I am both a team owner and a driver of a new race team, AB Motorsports, that just started this year, currently.

To be clear, I am a small business owner, but my team is responsible for tuning my 11,000-horsepower racecar that goes over 330 miles an hour in less than 3.6 seconds. This powered AB Motorsports to win the biggest race of the year just last weekend at the Indianapolis U.S. Nationals at Indy, which is the mecca and race capital of the world.

I am also told that I am a teacher and a role model, but I am proud to be part of the NHRA's Youth and Education Services program, that used to be sponsored by the U.S. Army, which provides me the opportunity to speak to thousands of students

across the Country and have the chance to tell the story and educate our youth on the importance of setting goals, working hard to achieve them, and the connection between racing and STEM learning.

I am fortunate to work with companies like Toyota of North America, Matco Tools, Lucas Oil, Hangsterfer's, and many other research and development companies to develop new technologies that ends up in motor vehicles that you and I drive every day, including EVs.

Today, I am all of these things, but my story begins with the modification of a motorcycle into a dedicated race bike. Without the ability to convert a street-legal vehicle into a race vehicle, my dream of becoming a professional racecar driver would have never happened.

That is why I am speaking in strong support of the RPM Act today. Racing is not just a business; it is a way of life, and I urge you to support the hundreds and thousands of racers who compete using a motor vehicle that was modified and transported on a trailer to over 1,500 racetracks across the Country.

Most racers' entry into competition on tracks is done using cars, motorcycles, and trucks. It is simply more affordable to modify a motor vehicle than it is to buy a purpose-built race vehicle. I know. I spend lots of money. We must offer a cost-effective way to ensure the sport's inclusiveness and allow



people from all different backgrounds to compete on the track.

For business owners like myself and racers across the Country, the investment of time, money, and resources requires a certainty in law. The RPM Act makes it legal for racers to convert motor vehicles into dedicated race vehicles. The RPM Act is about ensuring that racers can purchase parts they need to compete on the track.

The bill does not protect companies that produce and sell products that defeat emissions controls that are used on the street. We know that is really and totally illegal.

The RPM Act does nothing to limit the EPA's ability to enforce against bad actors. The EPA has signaled that it does not plan to bring enforcement actions against the race industry and racers who compete in emissions-modified vehicles. However, the agency maintains that it has the authority to do so and has pursued enforcement cases stating racers cannot make such modifications.

Again, racers and business owners make substantial investments modifying their vehicles to improve safety, performance, and efficiency. Furthermore, the racing industry injects an estimated \$100 billion into the economy, benefitting people and communities. Why not provide absolute certainty that they are protected by Federal law?

I appreciate the committee for taking up the RPM Act

because I understand what is at stake. The RPM Act is one of the most bipartisan bills in Congress, with more than 31 Senate cosponsors, including 20 Republicans and 11 Democrats.

This is about protecting the future of racing, which provides jobs and family entertainment in communities across the Country. This is a passion for me and millions of Americans who love racing.

It is a pleasure to have the opportunity to testify before the committee today on something that is so extremely important to me. Thank you all so much for taking this time.

[The prepared statement of Mr. Brown follows:]

Senator Carper. Mr. Brown, thank you very much for joining us and for your testimony.

Mr. Brown. Thank you, sir.

Senator Carper. It was very nice to meet you and your family.

Next, we are going to hear from Mr. VanderWal. Mr. VanderWal is Vice President of the American Farm Bureau Federation and President of the South Dakota Farm Bureau. Everybody on this panel has a strong agricultural component in our States and in our economy. Delaware is certainly among those.

With that in mind, we especially welcome you today. Thanks. Please proceed.

STATEMENT OF SCOTT VANDERWAL, VICE PRESIDENT, AMERICAN FARM  
BUREAU FEDERATION

Mr. VanderWal. Thank you, Chairman Carper and Ranking Member Capito and members of the committee. We appreciate having this legislative hearing this morning on the Livestock Regulatory Protection Act.

In addition to the two jobs that the Chairman mentioned, I am also a working family farmer from eastern South Dakota, where I raise corn, soybeans, and have a custom beef cattle feedlot.

Keeping our farmers and ranchers in production is vital to our food security and to our national security. Farmers and ranchers work hard to keep food on our plates while continuing to make great strides in sustainability, which brings me to the topic of today's hearing.

American agriculture accounts for approximately 10 percent of U.S. greenhouse gas emissions. That is far less than transportation, electricity generation, and other industry sectors. Farmers continue to produce more food, fiber, and energy more efficiently than ever before. Over two generations, we have nearly tripled our productivity without using more resources. In fact, we would have needed nearly 100 million more acres 30 years ago to match today's production levels. That is just amazing, and it is because of technology.

More productive livestock operations allow ranchers, pork

producers, poultry growers, egg producers, and dairy farmers to maintain their total contribution to greenhouse gas emissions at less than 4 percent. As I said, innovation plays an important role, from methane digesters to advances in nutritional balance, that lead to lower per-unit greenhouse gas emissions.

I will give you just a few statistics here. In fact, we have seen a 26 percent reduction in per-unit emissions of greenhouse gases for a dairy industry while milk production is up 48 percent. We have a 20 percent reduction by our swine producers with an 80 increase in pork production, and close to a 10 percent drop by our cattlemen and cattlemen with an 18 percent increase in our production of beef.

To continue to make improvements in carbon sequestration and emissions reductions, we need to increase investment in agricultural research and spur innovation. We do not need to burden our hardworking farmers and ranchers with onerous regulations and costly permit fees. That is why the option of S. 1475, the bipartisan Livestock Regulatory Protection Act, introduced by Senators Thune and Sinema, is so important.

This legislation makes clear that investment and innovation are the way forward, not command and control regulation. Our advancements in sustainability are due to adoption of technologies and farmers' terrific participation in voluntary, incentive-based conservation programs. U.S. farmers have

enrolled more than 140 million acres in Federal conservation programs. That is equal to the total land area of California and New York combined.

I can tell you personally, our farms and our land are our heritage. Every farmer I know wants to leave the land, air, and water, as well as our farm and ranch businesses, in better condition than we found them. To achieve that goal, Congress must protect agriculture from undue burdens and respect farmers' and ranchers' ability to innovate and solve problems.

We must ensure that shortsighted, knee-jerk reaction public policies do not threaten the viability and sustainability of our farms or the long-term resiliency of our rural communities. Americans have a new appreciation for the importance of agriculture after seeing empty grocery store shelves the last couple of years, some for the first time in their lives.

When the pandemic hit, we were proud to assure America that the commitment of farmers and ranchers is unwavering. We are still farming. Please make sure that the public policy doesn't stand in the way of our ability to continue to fulfill what we see as a sacred commitment.

Thank you, Mr. Chairman, for holding today's hearing. I would be pleased to answer any questions the committee might have.

[The prepared statement of Mr. VanderWal follows:]

Senator Carper. Thanks, Mr. VanderWal. Senator Merkley has asked for a chance to go ahead, out of order. We are happy to do that. Please proceed. After he asks questions, I think Senator Capito says Senator Ernst has made a similar request. I think you will follow Senator Merkley, and then after that, Senator Capito and myself, and we will take it from there. Senator Merkley?

Senator Merkley. Thank you, Mr. Chairman.

Dr. Moseley, Senate Bill 2421 calls for the creation of wildfire smoke centers of excellence to leverage the capacity and expertise at universities to help address the challenge of wildfire smoke and its impacts. The work that is being done at the University of Oregon under the community-initiated project right now is essentially the pilot project for this. What are the benefits of the centers of excellence model?

Ms. Moseley. Thank you for that question. The Federal Government supports research in a number of different ways. As the Ranking Member pointed out, the STAR program is one key way that we support research in this space.

Centers of excellence, however, are really useful in very specific circumstances. One is when you need to build new research capacity, and you need to build that research capacity that would be sustained over time. Because centers of excellence or research centers tend to be funded with more funds

and over longer durations, you have the time to build the interdisciplinary partnerships you need to tackle complex problems, either among the academy or between the academy and practitioners.

Our center for wildfire research smoke and practice is focused on the latter, which is to build new relationships between academic researchers and communities that are seeking to tackle smoke at home, and we really want to be doing research that is driven by the needs of those communities and making sure that the research we do reaches those communities. That is why something like a focus center of excellence can be so important to tackling these kinds of complex problems. We have seen them be very effective in climate change, transportation, and many other areas where we have wicked problems to solve. Thank you.

Senator Merkley. Thank you, Doctor.

We have seen States taking some limited efforts to help address the challenge. For example, in Oregon, their environmental agency has provided a grant for the City of Ashland to set up an air purifier distribution program. In California, the State has launched a pilot program providing grants for smoke shelters, kind of a similar effort.

Still, most places are no better prepared for unhealthy air this year than they were in 2020 or 2015, even as smoke becomes more and more of a problem.



Doctor, what would be the benefit of providing dedicated resources to States to address the impacts of wildfire smoke?

Ms. Moseley. Thank you for that. I think one of the things that we are grappling with in the area of wildfire smoke is that, for many, this is actually more like a natural hazard than it is traditional pollution, like smokestack pollution. So we need to have new tools to be able to tackle this problem, which is becoming very ubiquitous.

We think of it, and communities that are frequently near fires see the problem of smoke very often, but for many places, smoke is maybe more rare. But we need to tackle it across the Country. As you said in your opening remarks, Washington D.C. is downwind from many, many fires, and so the enormity of the range of communities that need to be prepared to provide clean air shelters, similar to the cooling shelters or heating shelters that we provide for other kinds of weather events, is really critical.

We need to have some focus in this space, because it is really different than some of the other kinds of pollution that we face that we have been tackling through more traditional means.

Senator Merkley. Thank you very much, Doctor.

I yield back the rest of my time. Thank you.

Senator Carper. All right, thanks. Senator Ernst, you are

recognized.

Senator Ernst. Yes, thank you, Chairman Carper, and Ranking Member Capito.

Senator Carper. Do you have a bigger sign than that?

Senator Ernst. Do we need bigger?

Senator Carper. That is pretty big.

[Laughter.]

Senator Ernst. Thank you so much for holding this hearing today, and for those that are here as witnesses. These are issues that are really important to our State of Iowa.

Mr. VanderWal, I would like to start with you, please. Just like you, I grew up on my family farm in southwestern Iowa, and I know how much pride that our family took in raising livestock and in crops. Our hardworking farmers and ranchers really shouldn't have to worry about overly onerous regulations coming from the Federal Government and, of course, the increased production costs that go along with that.

Could you please speak to the impacts that previously proposed livestock emissions regulations would have had on your family's farm?

Mr. VanderWal. Thank you, Senator, for that question. I think that is one of the most important points that we need to make. Every time Congress puts a regulation, or an agency puts a regulation on agriculture, it makes it more difficult for

small family farms and ranches to survive.

In our operation, we only feed about 1,000 thousand head of cattle, farm 2,000 acres. That is not big anymore. When regulations come out that take more employees, more time away from managing the operation, that detracts from the success of the operation. Certainly, those previous regulations would have been very difficult to manage. Like I said, a lot of smaller operations would probably just hang it up and quit.

Senator Ernst. Yes. Then, of course, we talk a lot about the cow tax, but how would those burdensome regulations, like the cow tax, increase costs on both livestock producers and our consumers? More of the same, right?

Mr. VanderWal. Exactly, yes.

Senator Ernst. I think this is something that is very important, obviously, to folks in Iowa and South Dakota, all across the Midwest where we do have large livestock operations on sweeping through the South, but it is difficult for our small family farmers to really take on the burden of Federal Government regulations, again, that are overly onerous. It does cause increased costs to our consumers.

Of course, I am advocating not to pass a cow tax, of course, but I thank you for being here today.

I do want to move on to the RPM Act, as well. Mr. Brown, thank you very much for being here, and your family. Chairman

Carper had made a comment about young boys that want to go into racing. I said, "and girls."

Mr. Brown. Yes.

Senator Ernst. Yes. So, I grew up on a motorcycle. Of course, we had dirt bikes out on the farm. My brother was an avid motocross racer when he was a young man. My sister, shoutout to Adams County Speedway, the county over from us, we used to go there on Saturday nights. My folks would take us over dirt track racing, and that is the greatest place in the world to be on Saturday nights. My sister tried her hand at powderpuff racing, as well. We are a family that loves motorsports.

I think, Mr. Walke, to your point, it is illegal. It is illegal to have those types of vehicles on the streets, but certainly, we want to make sure that it is okay to modify certain vehicles for the love of racing.

Iowa has about 34 dirt and asphalt tracks, and we love it, so that is about one for every three counties. We host these races all throughout the year. We bring drivers in, race teams, and a heck of a lot of fans.

Can you talk about what would happen if we did not have this legislation? What would happen to the industry if we didn't allow for those modifications?

Mr. Brown. The thing about it is, I could speak on my

personal experience. If that legislation goes through, because we need it to be clear, and what I mean about that is, just like the Chairman said too, is looking for a solution without a problem.

The hard part is, let me just quote you something from EPA's legal briefing from a file of court in 2020. "An EPA-certified motor vehicle cannot become a non-road vehicle, even if it used exclusively for competition." That was filed. Then, another one in 2021 where the EPA says, "is illegal regardless of whether the vehicle is exclusively for competition purposes."

If that is the case, that is why this certainty is so important, especially for me, because I see my kids coming up. I was that kid, just like you growing up as a kid, that went to a local racetrack and saw my hero and said "this is what I want to do." That was a part of the American dream. When I was able to see that, it gave me hope to be there one day.

I fulfilled that want because I was able to take a standard motorized vehicle that I could afford, a motorcycle from a junkyard, and rebuild it and take it to the drag strip and made my dream into a reality through those steps. My kids are reaping that benefit where they are going through that same thing. They get out what they put in. You know what I mean?

When I look at that, when I see this, and I see notions like that, it is heartbreaking, because I see the girls and the

boys that are coming up in the junior dragster ranks across this whole Country where I help race a league called the Midwest Junior Super Series, where we are actually helping these kids understand what it takes to become a professional and show them the grass root levels on how to get there.

Senator Ernst. That is so great.

Mr. Brown. Being able to modify that, and do those with those motor vehicles, that is the stepping stones in the building blocks for the next future professional racers tomorrow. Without that, there is no stepping stone.

Senator Ernst. Thank you so much. I appreciate that. Thanks to you and your family. Happy racing. Thank you.

Mr. Brown. Thank you, Senator.

Senator Ernst. Thank you. Thank you, Chairman.

Senator Carper. Senator Ernst, we learned a few things about you here, today. Senator Capito?

Senator Capito.

I am going to let Senator Inhofe go before me. Thank you.

Senator Carper. You are kind to do that. Senator Inhofe?

Senator Inhofe. Thank you, Mr. Chairman. Thank you, madam.

I appreciate the really interesting thing that we are experiencing right now, we really do have some star power here that we are happy to have as part of it.

Mr. Brown, as you know, the EPA is threatening to restrict America's ability to convert motor vehicles into racing vehicles. Recognizing the protection of the Motorsport Act would clarify that it is legal for car racers convert street vehicles into a dedicated race vehicle. The bipartisan legislation provides certainty to motorsports companies employing tens of thousands of American workers that produce and sell special parts that racers need to build.

You are the one who is really interested and you are on the line on this thing. You have done a very good job. My kids will be very proud that we are spending this time together. I would like to just have you characterize the type of people.

Oklahoma is a small State. We are a rural State. We are an ag State. So I look at this in both these bills that we are going to be talking about today as things that would be very helpful to get to hear for Oklahoma. I would just like to have you share a little bit about the mom-and-pop type of population that benefits the most from this, Mr. Brown.

Mr. Brown. Where the mom-and-pops benefit from this, you said, sir?

Senator Inhofe. No, how they benefit. We are talking Oklahomans now. These are not giant corporations. These are mom-and-pop operations.

Mr. Brown. Yes. Well, the way they benefit is, believe it

or not, in our community of motorsports, our 1,500 tracks reach across the whole Country, even in the small neighborhoods. I grew up, of course I grew up in New Jersey, but I go to 22 different venues across the Country in NHRA drag racing.

We go from all the way down there in Tulsa, that racetrack in Tulsa, Oklahoma all the way down to Dallas, Texas, Gainesville, Florida. We go all the way up to Brainerd, Minnesota. We impact so many of the small grassroots people that come in, and we affect the communities by generally just where, I am not going to lie to you, I grew up on a 15-acre farm ground in the little town of Chesterfield, New Jersey. It is in the middle of nowhere. Cattle up the road, I drove a combine; my family had an excavating business on the farm.

What we did was do-it-yourselfers, so a lot of do-it-yourselfers back in those areas, this is actually who it benefits, because they work on their vehicles, and they are the ones who are able to take it where, racing and motorsports, when you take it to the area where you are able to take that station wagon that your mom had, and you can actually modify it. It doesn't take a lot of money, and you can take it to your local drag strip.

Where is the local drag strip? In those little towns across America, and you can go there and spend 20 bucks, and you can actually race that vehicle.



Senator Inhofe. Yes. We are operating on limited time here, and I want to come back. I have been fascinated by your background and what it has meant to you, but I have one question I wanted to ask Mr. VanderWal.

As you mentioned in your testimony, agriculture accounts for approximately 10 percent of the total greenhouse gas emissions, and livestock accounts for less than 4 percent of overall emissions. I think John Thune did a good job of explaining what a cow tax would do and who that would affect.

Mr. VanderWal, would you explain how passing the Livestock Regulatory Protection Act would keep food costs down for Americans buying beef and pork, eggs and egg products?

Mr. VanderWal. Thank you for that question, Senator. That is very important. Like I said, food security is national security to our Country. The more times we put more regulations on our farms and ranches, it causes people to quit if they can't afford to follow those regulations or meet them, if they have to hire more people. In turn, it reduces the supply, which increases prices to consumers. It is certainly in our Country's best interests to use common sense and keep those regulations low.

I talked about the fact that agriculture is doing such a good job already through innovation in the last decades and how we are doing things on a voluntary basis, always looking for a

way to improve and doing the best we can. We believe that is the way to go in the future.

Senator Inhofe. I really believe that we have an opportunity to yield to the pressures that are out there on overregulation. Overregulation is something that people don't understand until they are one among those who are overregulated. Mr. Brown, are there any other thoughts, we are running a little short of time, that you would like to talk about further economic impact that this legislation would have on States like my State of Oklahoma?

Mr. Brown. Absolutely, sir. One thing that I like to share too, in just our motorsports industry, throughout the whole Country, we have over a \$100 billion impact on the communities and States across the Country that motorsports resonates and goes to. So it is definitely a big impact for communities, just from hotels, from everything that is around it.

It has a huge impact, and also for the small business owners, that actually make these parts and pieces, and also for the development of future technology that goes into vehicles tomorrow. Like we always say in racing, we are working on tomorrow's technology today, and that has a huge impact across the whole Country.

Senator Inhofe. That is a good point.

Thank you, Mr. Chairman.

Senator Carper. You bet. I am going to ask unanimous consent to submit for the record two letters dated September 6th, 2022 in opposition to S. 2736, the Recognizing the Protection of Motorsports Act of 2021, as written, without objection.

[The referenced information follows:]

Senator Carper. Again, to our witnesses, thank you all for joining us.

I mentioned right at the beginning of my comments, I spoke of what we are seeing in terms of weather across the Country, record floods, not far from where my mom and sister live in eastern Kentucky. We have seen sea level rise all over the coasts of our Country. We have seen record droughts.

In terms of agriculture, we have seen a lot of places where crops just aren't growing. It is not just in America, but it is across the planet. If you look at the major cause of what is creating this, it is too much carbon dioxide in the air. If you look at where does it come from, about 30 percent of the carbon dioxide emissions in this Country come from our vehicles that we drive, our cars, trucks, vans, motorcycles. I say that as a former motorcycle driver and owner.

The second greatest source is power plants. About 25 percent of the emissions come from power plants, and about another 20 percent from manufacturing operations; think cement plants, think steel mills, that sort of thing.

This is a serious matter. The amount of property damage is not just in the millions, it is not just tens of millions, or hundreds of millions. It is in the billions of dollars, hundreds of billions of dollars, within this year, so this is serious. This is a serious matter. We have to make sure that

we are looking at every significant source of carbon emissions, and that is why this is so critical.

Mr. Walke, as you know, emissions from our transportation sector are a large contributor to the climate crisis and to smog, to soot, to air toxic pollutants that are dangerous to our health. I believe we can all agree that drivers should face a Clean Air Act liability for vehicles that are used solely for organized racing.

EPA has never gone after, let me say, the EPA has never gone after racecar drivers through its Clean Air Act enforcement actions, and does not intend to do so in the future. Having said that, EPA is finding massive Clean Air Act violations as after-market parts are installed on cars and trucks that are used daily on streets in our communities. That means more asthma attacks, more lung disease, more mortalities. Somebody needs to be held accountable for these results.

My question is this, Mr. Walke. What is your advice to us as lawmakers about who should be held accountable, and how should we do that?

Mr. Walke. Thanks, Senator Carper. We should not be holding racecar drivers accountable. The minimal amounts of air pollution that occur on weekend driving racing is not the air pollution problem. It is the defeat device industry that is the problem.

I understand and appreciate Mr. Brown's desire for certainty for himself, for his family, and for racecars drivers, and I think that is something that Congress can address through a narrowly tailored amendment. The problem is that the bill limits the ability of EPA to enforce against businesses who should have known their defeat devices were not being used on racecars.

I don't have his driving skills. I really wish I did. I have had much less significant skills as a Clean Air Act attorney for 30 years. If I were an attorney for the defeat device industry, I would write language like this, because it says, no, no, we shouldn't ask whether people know or should have known that their devices were not used on racecars. We should ask solely, what was your purpose in selling this? Well, they are going to say their purpose was to sell it to racecar drivers.

But as these enforcement cases have shown by the Trump Administration and then Biden Administration, they aren't able to prove those facts in actual cases, so we have hundreds of thousands of tons of illegal vehicles, hundreds of thousands of tons of illegal pollution. It is my professional opinion that this bill would make things worse.

Senator Carper. All right, thank you.

Another question. I want to go back to Dr. Moseley. I

want to turn to wildfire events. Best climate science tells us that the conditions that are driving wildfires, including extreme heat and drought that I mentioned earlier, are getting worse, not better. This summer, at least one-third of Americans were under a heat advisory, one-third, and tens of millions have experienced extreme temperatures surpassing 100 degrees Fahrenheit. That is in a bunch of places where they don't even have air conditioning.

At the same time, the historic extreme drought affecting the west is worsening and spreading east. It shows, as of yesterday, I am told, 69 active wildfires across our Country, some as big as my State. In July, that number was at least 82 wildfires burning at one time.

My question, Dr. Moseley, briefly tell us, do these startling figures reflect the reality you see on the ground? In other words, do you agree that wildfires are becoming more frequent and intense due to climate change?

Ms. Moseley. I think the scientific evidence is fairly clear that we have a number of drivers, not the least of which is climate change, that is increasing the size and severity of wildfire. As you say, we are seeing hotter, dryer climate, particularly in the arid West.

I think it is also important for folks to realize that we see a lot of wildfires on CNN or on cable news, but there is, in

fact, a very broad array of what wildfire is and where it occurs.

In this fiscal year to date, we have had more than six million acres burned in wildfire. Half of that occurred in the State of Alaska. A million of it occurred in the southern United States. We have wildfire, really, everywhere.

What we really need to be thinking about as wildfire continues to grow, and I think the scientific evidence is also clear, that we are not yet at a new normal. It feels like a new normal, but it is going to continue to grow for some time, even with our best climate mitigation measures. More and more folks are going to need to be prepared for and learn to live with fire and fire smoke, and that is why adaptations such as contemplated in the bills here are so important.

Senator Carper. Dr. Moseley, thank you.

Now, Senator Capito.

Senator Capito. Thank you, Mr. Chairman, and thank all of you all for being here today.

The RPM Act, as I mentioned in my opening statement, this is the second hearing over the last several years that we have had on something that, to me, seems like a simple, very common-sense fix. We are saying that it is a solution in search of a problem, but we have spent a lot of time trying to fix this problem.



There is a problem there. Mr. Brown, you testified to that, and Mr. Walke has acknowledged that we need to have a fix here. I guess my question to you, Mr. Brown, because you have been really explicit about talking about your youth and the STEM education, and you have your wonderful family there that is involved in racing. I would imagine that most of your audience are families that come out on an evening to an affordable way to enjoy being with their families and watching a great sport.

But if a looming EPA lawsuit is looking over you, and you said you just created your new team, what kind of reaction do you have to that as a small business owner? How would you ever be able to fight that?

Mr. Brown. That is the hard thing. I agree with Mr. Walke on the purpose that, speaking as a racer, when I am looking at the things from their standpoints, we are all against people with defeat devices. The thing about it is, you don't have to come after the racers or the race teams, but if you go after legitimate companies that are producing race parts, and they don't have the power to sustain, and you shut those small companies down, then it hurts the whole motorsports industry as a whole because those companies were supplying legitimate race products to the racing industry.

I do agree that they should also have a deal of sale, where they actually have a record of sale, or they go, hey, this is

what this part is for. This is where it goes, and this is what it is used for. If they have that categorized, that might help the solution to the problem.

For me in general, it was mind-shocking because, hold up, and you are seeing where sports, I live in Indianapolis, Indiana, and I came from New Jersey. The reason why I moved there was because this was the race capital of the world. Then when you see things that come down from the EPA, it actually puts a stronghold on that where you can see it dissipating, going away, from the outside in. Being a racer, we will be the last ones affected by it when we don't have any parts and pieces to buy.

Senator Capito. Right. Thank you, very good.

Mr. Brown. Thank you.

Senator Capito. Mr. VanderWal, we also heard that the cow tax proposal, there is really no need for this legislation because it is taken care of every year in Appropriations. I am on Appropriations. I wouldn't be betting on what is going to happen every year in an appropriations process here in the United States Congress.

We are heading up to a continuing resolution, which is not the way that this whole system was conceived. We should have our appropriations bills in line by September 30th, have them passed, and have our wishes moved forward.

So, a year-by-year band-aid is not, I don't think, a solution to the issue that you are talking about. How do you all feel about every year, having to fight, and some years more than others? That has got to be an issue for you.

Mr. VanderWal. Well, thank you, Senator. It certainly is. That causes uncertainty, when we have to wait every year in anticipation of something that might happen in a bill, or something that EPA might do administratively. It would be far, far better to have this in statute by Congress that would say the EPA does not regulate agriculture based on greenhouse gas emissions, recognizing all the things we have talked about.

It would provide certainty for us going forward. People could really concentrate on innovation and technology and be able to work on those things, rather than worrying about what the government might do in the next year, in the next round.

Senator Capito. I think you have stated the statistics that, without something, as you are moving forward as an industry with the innovation and technology that is coming forward, you are able to bring your emissions down almost at a voluntary manner because it is good for the environment, it is good for the farmer, it is good for the consumer. I think putting our emphasis in those positive areas is a much more beneficial way than in a punitive way, such as a cow tax would put forward.

Thank you for commenting. Thank all the panelists, thank you.

Senator Carper. Thanks, Senator Capito.

Senator Whitehouse? Good to see you. Welcome.

Senator Whitehouse. Thank you, Chairman.

Let me start with offering a little bit of context. This comes from the National Institutes of Science, I believe, and it shows the mammal creatures on the Earth measured out by biomass. If you look here, you see that all the wild mammals on the planet amount to 4 percent of the biomass of mammals, from field mice to rabbits to deer to elk to tigers and elephants, all of them, as mammals, 4 percent.

Cattle alone are 35 percent. There are nine times as many cattle, at least by weight. There are nine times as much cattle by weight as there is all of the wild animals, mammals, anywhere on the planet together. What the cattle are doing out there, obviously, has big effects on our planet.

Mr. VanderWal, you have said that livestock emissions make up less than 4 percent of overall emissions in the U.S., and that they are declining thanks to improvements in feed and production practices. You have said that U.S. farmers and ranchers have long been at the forefront of climate-smart farming, utilizing scientific solutions, technology, and innovations to raise crops and care for livestock, and that

innovations include methane digesters and advances in nutritional balance that lead to lower per-unit. I assume there, you mean per-animal, GHG emissions.

Could you just say a word about what the technologies and innovations are that are proving most effective in reducing methane emissions from livestock?

Mr. VanderWal. Thank you, Senator. Just to comment on part of your question, when I talk about --

Senator Whitehouse. Don't comment too long, because I am on a clock here, so I would really like you to answer my question.

Mr. VanderWal. I understand. What I mean by reduction in per unit is per unit of production, so in a dairy cow, that would be per gallon of milk or per pound of milk.

Senator Whitehouse. Got it.

Mr. VanderWal. In regard to emissions, the anaerobic digesters that people are putting in, that energy is being used, actually, to generate electricity for farms, those kinds of things, so we are not pulling on the grid. There are technologies such as varieties of corn that can be fed to livestock that are more efficient, produce less methane and greenhouse gases.

Senator Whitehouse. Do algal and seaweed supplements do the same thing?

Mr. VanderWal. I can't answer that for sure. I am not an expert on that.

Senator Whitehouse. All right. Well, I just wanted to flag for you that the Growing Climate Solutions Act was a very bipartisan measure. As it gets implemented by the Department of Agriculture, my sort of nutshell version of it is that the equivalent of a farm agent can go out to a farmer and say, here is the stuff that you can do that will reduce either CO2 or methane emissions. I have the science behind me, so I can put a number on that.

Then I can give you basically a good housekeeping seal of approval for those savings, and then you can take that and get credit for reducing your emissions. Is that the kind of incentive that you think the American farming community would welcome as we try to solve together the problem of climate change?

Mr. VanderWal. Yes. Certainly, incentives are much better than a stick. If it is economically viable, or if somebody can finance it to show that it will be economically viable at some point, those are the things farmers are looking for. Certainly, we want to do the right thing for the right reasons, and we want to do these environmental things because they are the right thing to do.

Senator Whitehouse. Well, the Farm Bureau supported it,

and I appreciate that very much.

Also, I would just give Mr. Walke a chance to respond as he may wish in my remaining 30 seconds.

Mr. Walke. Thank you, Senator Whitehouse. Just two clarifications.

One, I just want to emphasize that the Clean Air Act permitting program that is the subject of the livestock bill imposes no emissions limitations, none whatsoever. So any discussion here of concerns over emissions limits and emissions standards being opposed, they just don't arise under that program. It is a program to compile preexisting requirements. There may not be any. It also has some monitoring to provide for public awareness.

The second clarification I would just like to offer is that, as my testimony details in written form, EPA has never brought an enforcement case against a company that sells products just for racing cars. What Mr. Brown is talking about, his suppliers are --

Senator Carper. Would you say that again? Never?

Mr. Walke. EPA has never brought an enforcement case against a manufacturer that sells products exclusively for racing cars. They are bringing cases against defeat device manufacturers that are selling their products to the general public that end up on roads illegally in the hundreds of

thousands.

Senator Carper. All right, thank you.

Mr. Walke. Mr. Brown is buying products from the top racing car companies and manufacturers in the world, and they have not been the subject of enforcement any more so than racecar drivers have. None.

Senator Whitehouse. Thank you.

Senator Carper. Thank you, Senator Whitehouse. Senator Kelly, you are next. Welcome.

Senator Kelly. Thank you, Mr. Chairman. I have questions for both Mr. Brown and Mr. Walke, 14 questions, so we are going to go quickly, short answers, yes and no. Mr. Brown, I am trying to remember. Did we meet at the track in Chandler, Arizona, or was it in Texas? Where was it?

Mr. Brown. I believe we met in Texas, in Houston, and I went to the NASA center.

Senator Kelly. Oh, I may have taken you in the simulator with Bob Tasset, maybe.

Mr. Brown. Yes, and I landed the space shuttle. I did it.

Senator Kelly. You did? You landed the -- let me clarify. You landed the space shuttle simulator?

Mr. Brown. Yes, not the real space shuttle, the space shuttle simulator.

Senator Kelly. I want to congratulate you. I saw what



your best time and your best speed was at the track in Chandler, Arizona. Congratulations on that.

Mr. Brown. Yes, sir. Thank you.

Senator Kelly. I have six questions for you, eight for Mr. Walke in less than four minutes. In your testimony, you discussed how, in your early days of racing, you converted a street-legal motorcycle into a racing vehicle. You said it was used, from a junkyard. How much cheaper was buying that vehicle as compared to purchasing a bike built for racing?

Mr. Brown. For racing, I would say I probably built that bike for five grand, and a race vehicle of that nature probably would have been over \$50,000.

Senator Kelly. Since this bike was used for racing, did you register your bike with DMV and get insurance for it?

Mr. Brown. No, sir.

Senator Kelly. So, no insurance, no registration. As you know, some have raised concerns that there are bad actors out there who will buy a device built to be used for racing, but then will install it on a car that they use to drive on city streets.

Do you believe that there are ways, such as asking a driver to show that they have cancelled their vehicle's registration, which could help sellers and mechanics easily know that they are only selling parts to drivers for legitimate racing reasons?

Mr. Brown. Yes, I believe that will be where you can make it void, where it is not street legal anymore, at all, period, and most race vehicles are like that.

Senator Kelly. Can you briefly talk about the process in California, which allows racers to purchase equipment needed for their vehicles?

Mr. Brown. Yes, California being one of the most strict States out there, they actually have that part of the legislation where it excludes race vehicles from all the normal that they do for normal motor vehicles that are on the road.

Senator Kelly. I understand that there are some devices sold today which allow drivers to turn off and on the emissions control on a vehicle, or there are devices programmed to trick the computer when the vehicle has its emissions tested.

Can you think of any reason that a racer might need a device that has these features?

Mr. Brown. No, sir, because we actually strip all the vehicle's standard stuff out of it and put electronic EFI and everything to control everything that we do down on the racetrack, which all the standard stuff would be null and void, what we need in a race vehicle.

Senator Kelly. Mr. Walke, I have two minutes, and I appreciate your testimony on the RPM Act. Let me just step through these. I want to start off with an easy question: do

race cars or street vehicles converted and used exclusively for racing have a measurable or meaningful impact on overall air pollution?

Mr. Walke. Not to my knowledge.

Senator Kelly. Given that, would you oppose a properly crafted compromised version of the RPM Act which had guardrails to protect amateur racers and businesses whose goal is to serve amateur racers, while going after bad actors?

Mr. Walke. Not drivers. I would be very interested to see what the law said about businesses.

Senator Kelly. Would you agree that there are vehicle owners, mechanics, and parts sellers who legitimately want to modify vehicles exclusively for racing?

Mr. Walke. Yes.

Senator Kelly. In your testimony, you explained that EPA maintains that a device which defeats emissions controls is illegal, regardless of how a motor vehicle is used. This means that EPA maintains that modifying a vehicle's emissions controls for racing is illegal. Correct?

Mr. Walke. That is correct, and they have said they will exercise enforcement discretion, but that is not a legal exemption.

Senator Kelly. Does this also mean that EPA has not provided any regulations or guidelines to good-faith vehicle

owners, mechanics, or parts sellers explaining how they could avoid being subject to EPA enforcement actions related to the Clean Air Act?

Mr. Walke. EPA has provided numerous instances of that guidance and specific ones targeting the racing competition vehicle market.

Senator Kelly. So, there is guidance?

Mr. Walke. There is.

Senator Kelly. All right. Would you be more likely to support the bill if EPA were required to issue regulations within a reasonable period of time before a racing exemption took effect?

Mr. Walke. I am not fully understanding the question. The key is the statute, and whether the statute is weaker before and after, and then EPA will issue regulations following the statute.

My testimony today has solely been about not weakening the statute as it applies to defeat device manufacturers and sellers.

Senator Kelly. I was asking if there were, if in a reasonable period of time, if the EPA were required to have some clear regulations, would you then be more likely to support it?

Mr. Walke. Sure, especially if those regulations made clear that drivers like Mr. Brown were not covered by the law.

I would support that 100 percent. I have tried to be very clear about that.

Senator Kelly. Would you be more likely to support the bill if EPA were required to, in implementing regulations, describe documentation needed to ensure a vehicle would be used exclusively for racing?

Mr. Walke. The key to enforcement is placing the burden of proof on the defeat device manufacturers to show that their products are not being used in racing cars. If that standard is preserved in the law the way it has been for decades, EPA can write regulations with lots of additional guidance and information to help carry out that law.

Senator Kelly. I just have one more, Mr. Chairman. If clear implementing regulations are developed by EPA explaining how a part seller mechanic could comply with the Clean Air Act, would you agree that EPA should avoid applying a strict liability standard against a retailer or mechanic who is duped by a small number of bad actors?

Mr. Walke. Yes. That is not the law, and it has never been the law. It should not be the law.

Senator Kelly. Okay, thank you. Thank you, Mr. Chairman.

Senator Carper. Senator Padilla, you are recognized.  
Senator Markey, welcome. You are next in line.

Senator Padilla. Thank you, Mr. Chair.

First of all, I want to thank Senator Merkley for his leadership in introducing both the Smoke Planning and Research Act of 2021 and the Smoke-Ready Communities Act of 2021. It is not just the State of Oregon, not just the State of California, but the entire western United State, but California in particular that is all too familiar with the devastation caused by wildfires. Not just the fires themselves, I am also referring to the smell and effects of wildfire smoke.

Again, it is not just a California issue. It is not just a western United States issue, because as a lot of people remember, I got calls from my colleagues all the way to Illinois, even colleagues on the Eastern Seaboard last year complaining about the air quality. Think about that, the air quality on the East Coast that was the result of wildfires burning in the West. It truly is a national concern.

Wildfire smoke is a complex mixture of air pollutants, clearly unhealthy to breathe, and it can be especially dangerous for children, for the elderly, for pregnant women, for anyone with heart or respiratory conditions. A recent Stanford University study found that single-family homes across the Country tend to have three to four times higher particulate pollution during wildfire events than public health guidelines recommend.

My question is for Dr. Moseley. Given that time is of the

essence with increasingly extreme and more frequent wildfires continuing across the West, how crucial do you think it is to enact these bills as quickly as possible to protect public health and better inform communities of the dangers posed by wildfire smoke?

Ms. Moseley. Thank you for that question. Wildfire is growing so rapidly that, for those of us who live in the West, you can almost barely imagine it. The fires in your State and mine have been just astonishing. The importance of taking action to protect people from wildfire smoke is increasingly urgent, not only in our States, but as you say, across the Country, as we learn more and more about the negative impacts of smoke, as well as the rapid increase in the number of people in all walks of life who are affected by that smoke.

Senator Padilla. I appreciate that, in your written testimony, you referenced to equity concerns, how there is a disproportionate impact on lower-income individuals, lower-income communities.

Mr. Walke, my home State of California has long been recognized as a national leader in the fight against the climate crisis and for our efforts to protect communities from toxic air and water pollution, as well. California is also the largest agricultural State, home to a \$50 billion agricultural economy and the largest dairy industry in the Country. California's

farmers and ranchers know better than most in our ability to feed the Nation, and to support family farmers and farm workers alike relies on clean air and clean water.

That is why California is working to cut methane emissions by at least 40 percent by 2030 in partnership with farmers and ranchers as they transition to more sustainable manure management and emission reduction practices. Senate Bill 1475 would preemptively restrict EPA's authority, preventing the agency from considering policies to address the industrial livestock sector. To your knowledge, is there precedent for exempting entire industries from major components of the Clean Air Act?

Mr. Walke. No, certainly not in this manner. I was shocked to learn that agriculture emits more methane emissions in the United States than the oil and gas sector. The vast majority of that comes from the digestion processes of animals.

It is not a problem that we should be permanently codifying into an exemption in the law. If we kick the can down the road with an appropriation rider, we can always change our mind. But if it becomes a permanent exemption of the Clean Air Act, my experience says it is just never going to go away, and we are never going to solve this problem.

Senator Padilla. So, just to underscore the point, how important is the EPA's Operating Permit Program to the ability



of States like California to protect the public and support investments in smart, sustainable agricultural practices?

Mr. Walke. The key to the Operating Permit Program, and it is sometimes misunderstood, is really to just have some monitoring reporting so that there is public awareness and some accountability, so the States and the Federal Government can get a handle on how much the emissions are from this industry.

Right now, we don't know. There is nothing to require it. EPA was required by a court in 2005 to develop emissions estimation methodologies for concentrated animal feeding operations, or CAFOs. They are 17 years overdue.

Now, they are supposed to come out with something this fall. I am waiting with bated breath to see what it will say. But we are just not taking this problem seriously, and unfortunately, a permanent exemption from the Clean Air Act is just not the right approach, in my opinion.

Senator Padilla. Thank you very much. Thank you, Mr. Chair.

Senator Carper. Senator Padilla, good to see you. Thanks for joining us today. Senator Markey, how are you?

Senator Markey. Thank you, Mr. Chairman. I am doing great. I hope you are as well.

Senator Carper. Indeed.

Senator Markey. Mr. Walke, as you know well, factory farms

produce immense quantities of waste that fuel climate change and pollute the surrounding soil, air, and water. According to a study conducted in 2021, simply living in proximity to a factory farm can decrease life expectancy, rural, low-income, agricultural, dependent, and black and brown communities are directly affected by these environmental hazards.

Mr. Walke, do you believe that codifying this exemption for factory farm emissions, which is already regularly included in appropriations packages, would be beneficial to nearby communities?

Mr. Walke. No, Senator Markey, quite the opposite. One of the pollutants that the bill exempts is nitrogen oxide, which is a precursor to smog, so that is a health hazard to communities surrounding these factory farms. This takes us backwards, I am afraid.

Senator Markey. So, it would not improve, in fact, it would harm those communities that are in proximity?

Mr. Walke. That is correct.

Senator Markey. According to the EPA's latest greenhouse gas inventory, emissions from agriculture have continued to rise, while emissions from some other sectors have decreased, and these emissions are significant.

For example, a recent report found that JBS, the world's largest livestock corporation with substantial U.S.-based

operations is responsible for more emissions than the whole country of Italy on a yearly basis, one company. We just have to be realistic about it. As we are waiting for Italy to come to Egypt in November, we should be inviting JBS as well, in terms of what their plans are to reduce greenhouse gases.

If corporate agriculture is given broad, permanent exemptions like those proposed in the Livestock Regulatory Protection Act, what prevents corporations like Exxon and Shell and BP from asking similarly large industry-wide exemptions? They will say, you gave it to agriculture, why not give it to us as well? We only produce the same amount of emissions as JBS, so give us the exemption too.

What would stop that from being the inevitable and inexorable course that this whole discussion would take?

Mr. Walke. Nothing would stop that. I think it is just a matter of political muscle. We have 50 years of experience in this Country to know that voluntary measures don't cut greenhouse gases enough to avoid a climate crisis. We need to take that seriously with actual, real measures.

Senator Markey. Yes, I think we should be heading, I agree with you, in the opposite direction, in terms of what the requirements are going to be on companies that have been allowed to use the air as a large sewer to be sending up these very dangerous emissions.

Robust air pollution standards are critical to protecting communities. The transportation sector is the largest contributor to climate pollution in the United States. Over a single year, in the Northeast and Mid-Atlantic alone, more than 7,100 deaths were linked to pollution from vehicle emissions.

Mr. Walke, in your testimony, you mentioned the extensive use of illegal defeat devices in diesel pickup trucks, which resulted in an additional 570,000 tons of nitrogen oxide and 5,000 tons of particulate matter. As you point out, this is quite alarming, considering that all electric power plants in the United States released 780,000 tons of nitrogen oxide emissions last year. Those are crazy numbers. The use of illegal defeat devices is creating an easily avoidable threat to public health.

Mr. Walke, does preventing the use of defeat devices and prohibiting tampering with emission controls protect environmental justice communities, who historically bear the brunt from living in areas with dirty air?

Mr. Walke. Absolutely. We know they live closer to highways than a lot of the rest of us. Those figures you quoted were just from diesel pickup trucks. But there are a lot of other vehicles in the roads with defeat devices near where these low-income and black and brown communities live.

Senator Markey. Yes, so these are crazy numbers. Again,

all electric power plants in the United States release 780,000 tons of nitrogen oxide last year, and just the diesel pickup trucks is 570,000. We have to work harder and smarter here and just look at JBS and look at what it does, compared to other industries.

The same thing is true here with the diesel pickup trucks and the other issues that we are trying to deal with. We just have to get serious. We can do it because we are a technological giant in the United States. That is our strength. That is who we are, and we only lose our opportunities when we allow for our greatest strength to be offshored. We will wait for some other country to start producing chips for us, our solar panels, our wind turbans, rather than saying no, we are going to do it here.

That is where all of these technologies that will be the solutions have to be developed, and we have to say, we will go first, and then the rest of the world will follow.

I thank you, Mr. Chairman, for your great leadership on all these issues. Thank you for this hearing.

Senator Carper. Thank you for being a great partner over all these years.

Senator Capito, is she going to be coming back? Okay, all right. I think she may have just a few words to say in closing.

This has been an interesting hearing. It is our first

hearing back. We have been on August recess. A lot of times, we don't have an August recess. We did last month after we finished an active period of time here in the Senate and the House, but it is a good hearing to come back on.

We are grateful to each and every one of you for your presence. Some of you have been before us before, some not, but we are grateful for your presence and your participation today.

I think a big part of why I have had some success in my life, I like to say, my sister and I picked the right parents, a coal-mining town in Beckley, West Virginia. They instilled in us the core values that I carry around with me to this day and have served me well in my life. You can probably think of core values that your parents instilled in you. Among those were hard work, the Golden Rule, treat other people the way you want to be treated, and trying to figure what is the right thing and just do it.

Our hearing today reminded me of something that my dad used to say to us. My dad was a Chief Petty Officer in the Navy in World Word II, the Korean War, and for about 30 years after that. He would say to my sister and me when we were little kids growing up, we were born in West Virginia, grew up in Virginia, but he would say to my sister and me, when we would pull some bone-headed stunt, he was always saying, "just use some common sense." You can probably think of things your parents said. He

said it a lot. We must not have had much common sense.

Using common sense means that we need to do more to protect Americans from the impact of climate change and unhealthy air. Mr. Brown, Mrs. Brown, it was a pleasure to meet your sons, who I think 14 and 18? Yes, 14 and 18. Our biological sons are about a generation older, 32, 34. We always have worried about them growing up, just to make sure they didn't get into an accident, whether they were on a bicycle or car or whatever, always worrying about them, but we wanted to make sure they had a chance to grow up and grow old. Your boys, hopefully, will have a chance to grow up and grow old.

The greatest threat to their generation is, frankly, our planet is on fire. It is getting worse, and it is getting worse faster, rather than not. That is the bad news.

I would just say, my colleagues hear me do this probably more than I ought to. I like to think of it, how do we have clean air, clean water, do something real about climate change? How do we do it? Create economic opportunity and jobs. That is my focus.

I am an old governor, and I am always trying to figure out how do we create a nurturing environment for job creation and job preservation. As it turns out, in the legislation that we passed a month or so ago, the Inflation Reduction Act, which has a lot in it that deals with clean air and climate change, but

there is a very clear connection between doing the right thing for our planet and for the people who live on that planet or are growing up on that planet, do the right thing for them, but also making sure that they will have jobs. They are creating literally millions of good-paying jobs going forward. That is critical.

The question is, can we do both? Can we both look out for our planet, provide for our kids going forward, and making sure they not only have clean air and clean water to drink and don't live in a planet that is on fire, but have good-paying jobs? One of our challenges is, how do we realize that? How do we realize that potential and make it happen?

In Delaware, we raise a lot of chickens. We have some cows, but mostly we have chickens. For every person, Senator Capito, for every person that lives in Delaware, there are roughly 300 chickens. They provide a lot of food for people in our State and around the world, but they also create a lot of manure, chicken manure.

We empty out our poultry houses on a fairly regular basis. We used to put it out in the farm fields. It would rain and end up in streams and in the Chesapeake Bay and places like that, the other bays in our State. Not good, not good. We have gotten smarter about doing that. We still have a lot of runoff on the Delmarva Peninsula that degrades the quality of water.



One of the smartest ideas I have seen, and I will relate this back to poultry, one of the smartest things I have seen in terms of trying to look for a market solution to help protect our planet and our air and all, is, I saw it out in California. I like to do customer calls at businesses large and small, all over the Country.

In California, you have a bunch of technology businesses, as you know, that are especially interesting. I visited one in the Bay Area where they take cow manure and they mix it with food waste, and they create a renewable form of gas that can be used to power large trucks and vans and buses. What a great market solution.

We are trying to seize on the same approach on the Delmarva Peninsula where we take chicken manure and maybe food waste as well and, through a process called, I think, anaerobic digestion, to be able to transform that into something that actually has market value.

The other thing, as Senator Capito and I know, we support the legislation that came out of the Ag Committee a year or two ago on regenerative agriculture, trying to encourage farmers to put back into the soil, topsoil especially, carbon dioxide components that will increase the quality and richness of the soil and increase yields. We have legislation that is designed to provide an economic model to incentivize that. So there are

a bunch of good ideas out there, and we need more. We need more.

Last thing I would say, as we discuss today, that means more actions to protect Americans from deadly woodsmoke, which now blankets our western States, all 12, to extreme wildfires driven by climate change. It also means using common sense to ensure racecar drivers at Dover Downs may continue to race, while cars and trucks we use on our streets and highways meet their pollution standards of good citizens.

I may have driven my old Chrysler Town and Country minivan around the racetrack at Dover Downs, but that doesn't make it a racecar that should be exempt from emissions standards. With that having been said, I look forward to further conversations with Senator Capito and with our colleagues on these and other matters.

Before we adjourn, Senator Capito, any last closing statements, please?

Senator Capito. I would just like to thank the witnesses. I think we have gotten a broad view of things. We have a lot of common area here, and now that the Chairman, I have a visual of him driving around a racetrack in a minivan, that scares me, and then we are leading into lunch, and he is describing what we are going to be doing our cow manure.

[Laughter.]

Senator Capito. In all seriousness, these have been very serious topics. There are a lot of things at stake here, so I just appreciate everybody being here with us, and thank you so very much.

Senator Carper. Before we adjourn, just a tiny bit of housekeeping, to close on a lighter note.

When my minivan reached 600,000, a fellow who does yard work in a bunch of homes in our neighborhood always said he wanted to buy my minivan. If I ever sold my minivan, he wanted to buy my minivan.

Finally, the day came. The electric vehicle came in, red car, and he said, will you sell me your minivan? I said, sure. He said, how much? I said, a dollar. He said, how much? I said, no, a dollar. He said, oh, that is not enough. I said, no, no, a dollar.

So we drove to the DMV, got there, took a number, sat down. Finally they called the number. They called us up to the desk, and the lady who was in charge, she said, Governor, how are you doing? She still thinks of me as her governor, which was nice.

She said, Governor, how is your minivan? I said, funny you should ask. My minivan is better known than me in Delaware. She said, how is your minivan? I said, funny you should ask; I am going to sell it. She said, to whom? I reached over and said, to Eric right here.

She said, really? Do you have the title? I said yes. She said, well, how much are you going to sell it for? I said, a dollar. She said, how much? I said, a dollar. She said, well, write on the back, \$1.00. You sign it, he signs it.

So we signed it and gave it to her. She said, there is a transfer fee. I said, how much is that? She said 3 percent. I said, how much would that be then? She said, well, three cents. I reached into my pocket and pulled out a nickel and gave it to her, and I said, keep the change.

[Laughter.]

Senator Carper. All right. A little bit of housekeeping. Senators will be allowed to submit written questions for the record through the close of business on Wednesday, September 21st, 2022. We will compile those questions; we will send them to our witnesses. We ask our witnesses to reply by Wednesday, October the 5th of this year.

Again, there has been some humor in today's hearing. These are serious matters. I know that you realize that. Together, hopefully, we can come to a good conclusions, good outcomes, so that Mr. and Mrs. Brown, those boys of yours will someday be sitting here before us testifying again, 50, 60, 70 years from now and trying to keep our Country on the right path.

With that, this hearing is adjourned. Thank you.

[Whereupon, at 11:59 a.m., the hearing was adjourned.]