Opening Remarks of Ranking Member Whitehouse: *"A Legislative Hearing to Examine S. 3135, the Cold Weather Diesel Reliability Act"*

March 11, 2026

Thank you, Chair Capito, for the opportunity today to discuss the Clean Air Act. While I am happy to discuss the diesel engine issue Senator Sullivan is interested in, I believe that the last 14 months of Trump-Zeldin attacks on the bedrock policies that protect clean air and a safe and livable climate merit even greater attention as they harm every single American.

First, a bit of history. Before 1970, when the Clean Air Act was passed, air pollution in the United States was at crisis levels. Smog blanketed large parts of the country. In the 1950s, scientists discovered that vehicle emissions were a primary cause of smog. Vehicle tailpipes cough out a long list of dangerous pollutants, including nitrogen oxides (NOx). NOx causes lung disease, reproductive issues and birth defects, kidney problems, nerve damage, autoimmune disease, and cancer, and it is the primary cause of smog formation.

The smog of the post-War era seems like ancient history to us now, because of the passage of the Clean Air Act—a landmark statute that has driven down the primary smog-causing pollutants by nearly 80% since its adoption. Title II of the Act requires EPA to set standards which drive down vehicle emissions, and in response, manufacturers have invented and implemented groundbreaking emissions control systems, including the system at issue today, which dramatically reduces NOx emissions from diesel vehicles.

Diesel vehicles are a major cause of NOx pollution: in fact, diesel vehicles alone emit 27% of all NOx pollution nationwide. For this reason, EPA Title II standards require diesel vehicles to be equipped with an emissions control system powered by diesel emissions fluid (DEF), which breaks down NOx into nitrogen and water and reduces dangerous emissions by 90%.

Senator Sullivan will shortly introduce his discussion draft of the Cold Weather Diesel Reliability Act. I appreciate Senator Sullivan's interest in advocating for his constituents, who live in a colder climate than the rest of us. However, this bill targets a problem that the EPA has already addressed and manufacturers have already adapted to. The potential for diesel emissions control systems to fail at very low temperatures (below 12 degrees Fahrenheit) from a cold start is a known issue that has already been successfully addressed by EPA in 2009 and again last year.

In both cases, EPA directed engine manufacturers to allow the vehicle to drive on for some distance (now, up to 8,400 miles) before the engine derates in response to a sensor telling it the NOx control system is not functioning. While the vehicle is driving, heat from the engine keeps the DEF liquid—so the sensor will only trigger while driving if the DEF tank is empty, or in the case of catastrophic engine failure unrelated to the DEF.

While EPA has already addressed this issue, under President Trump and Administrator Zeldin, it has completely abdicated any and all responsibility to protect our air and climate.

In just the last fourteen months:

1. EPA has rescinded its greenhouse gas tailpipe emission standards—a recission that by EPA's own estimate will cost consumers at least $580 billion (and up to $1.4 trillion) at the gas pump alone. That's money directly out of Americans' pockets and into the coffers of Trump's Big Oil donors. As the price of gasoline skyrockets due to Trump's war of choice in Iran, that transfer to wealth from Americans to Big Oil will only grow.
2. EPA has rescinded the greenhouse gas Endangerment Finding, defying the law, scientific evidence, and the lived experiences of millions of Americans. Climate change is already driving up the costs of property insurance, groceries, and electricity across the country, and EPA's retreat from its regulatory obligation will turbocharge existing climateflation;
3. EPA has handed out dozens of regulatory exemptions to coal plants, letting them spew toxic mercury at will;
4. EPA has rolled back the Mercury and Air Toxics Rule, dramatically lowering standards for emissions of mercury and other highly dangerous and often carcinogenic pollutants from power plants;
5. EPA has decided not to monetize the health costs associated with certain air pollutants, and to only count costs to industry when undertaking a rulemaking cost-benefit analysis. The message is clear: costs to industry donors matter; costs to public health do not.
6. EPA has abdicated its enforcement responsibility for those regulations that are still in place. Last year, EPA pursued 75% fewer legal actions against alleged polluters than it did in the first year of Biden's first term, and 81% fewer than the first year of Trump's own first term in 2017. 2025 also saw a 36% percent decline in toxic substances inspections, and a 29% drop in average penalties from 2024.

There's a common theme here: all these actions are being taken so that Trump's fossil fuel donors will be able to sell more oil, gas, and coal. And all of these actions cost Americans – all Americans, not just those who live in cold climates – money. Lots of money.

Property insurance premiums are skyrocketing across country, particularly along the Southeast and Gulf coasts, across the mountain west, and in the hail belt of the Great Plains. In these places, many homeowners have seen their premiums double or triple in just the last several years. Many others have been dropped by their insurance company altogether. Unaffordable and unavailable property insurance portends a deep recession, similar to 2008, as property values fall off a cliff. *The Economist* magazine predicted a $25 trillion hit to property values, and Fed Chair Powell noted last year before the Senate Banking Committee that climate risks will render entire regions of the country uninsurable and therefore unmortgageable in 10 to 15 years.

Food prices, too, are being driven higher by extreme weather. Coffee, sugar, orange juice, chocolate, olive oil – these are just a few of the goods that have seen their prices spike in recent years due to climate change.

As storms along the Gulf coast and wildfires out West become more frequent and severe, electricity prices have risen in those parts of the country.

And NRDC estimates that pollution from fossil fuel combustion results in more than $800 billion in added healthcare costs a year in this country alone.

Under Trump and Zeldin, all of these things will get worse as they unleash ever more pollution. This Committee would do well to examine how a corrupt EPA is harming all Americans.