



Testimony Before the U.S. Senate Committee on Environment and Public Works

by The Honorable Jason Isaac, Director, Life:Powered

Chairman and Members:

On behalf of Life:Powered, a national initiative of the Texas Public Policy Foundation to raise America's energy IQ, thank you for the opportunity to testify today.

From 2011 to 2019, I served more than 200,000 people in the Texas Hill Country as a member of the Texas House of Representatives. During my four terms in office, I primarily served on the Environmental Regulation, Energy Resources, and Economic Development committees. During my freshman session, I was the House sponsor of the Texas Emission Reduction Plan, our state implementation plan, or SIP, for the ozone standards set by the EPA under the Clean Air Act (CAA).

Of the three bills being put forward in this committee, the first that I want to discuss is Senate Bill 1345, which will establish a national mercury monitoring program. The question at hand is whether we need to know more about mercury emissions, deposition, and ambient levels than we already know and what we would do with such information.

The EPA's [National Emissions Inventory](#) finds that mercury emissions from stationary sources in the U.S. fell 85% from 1990 to 2017, from over 200 tons annually to about 30 tons annually. Vehicle emissions contribute a couple more tons. According to a [2018 U.N. study](#), 80% of the mercury deposited in North America comes from other continents, with half coming from Asia. A Mercury Deposition Network already exists, which is part of the [National Atmospheric Deposition Program](#) at the University of Wisconsin. The network consists of approximately 100 stations across the country and is supported by state and federal funding as well as private philanthropy. So, we already know a fair amount about mercury emissions in the U.S., we have monitoring programs in place, and we are doing a great job reducing our emissions to very low levels.

However, supposing we could gather more complete data on mercury in our environment, what purpose would such data serve? With only 32 tons of emissions from domestic sources, it seems there is not much room to cut. The Mercury Air Toxics Rule promulgated by the EPA a decade ago was created to limit mercury emissions from coal power plants. The rule, which cost billions of dollars and resulted in the closure of many coal plants, which increased electricity prices and reduced grid reliability in many areas, was [estimated by the EPA](#) to result in only \$6 million in health benefits from reducing mercury emissions. The EPA justified the rule not based on the reductions in mercury emissions but rather on \$90 billion in health benefits from reducing emissions of fine particulate matter, an estimate derived from badly flawed science that the EPA refuses to change.

We already have monitoring systems for mercury emissions and deposition. We know that domestic emissions of mercury are small and declining. We know that a large majority of mercury deposited in the U.S. comes from other countries. And we know that reducing domestic mercury emissions further comes at a very high cost with very little quantifiable public health benefits. Instead of repeating the narrative that we are dirty and setting impossible emissions reductions goals for ourselves, we need to recognize our success and get the rest of the world to align with our air quality standards. Until we do, our nation will continue "exporting jobs and importing pollution."

The second bill this committee is considering, Senate Bill 2476, would establish hyperlocal air quality monitoring projects in what the bill calls "environmental justice communities."

The real injustice? Americans' lack of access to affordable and reliable energy. This year, Americans will pay [\\$5,200 more](#) than last year to cover rising prices of gas, electricity, and everyday items. That's what matters. Even before the current energy crisis that Americans are facing, a lawsuit was filed in California that specifically addresses this issue.

The plaintiff, The Two Hundred (more than 200 civil rights organizations), accuses the California Air Resources Board (CARB) of being racially biased in its environmental regulations and environmental lobby organization. The evidence they present for this case is that the regulations they created primarily hurt minorities, while not doing anything to help the environment in California.

The Two Hundred specifically [addresses two major problems](#) with the CARB's agenda. First, the agenda is unconstitutional, as it disadvantages one group specifically:

"In addition to being Legislatively unauthorized and unlawful, the 'net zero' GHG threshold would operate unconstitutionally so as to disproportionately disadvantage low income minorities in need of affordable housing relative to wealthier, whiter homeowners who currently occupy the limited existing housing stock."

The lawsuit also observes that California's "progressive environmental regulators and environmental advocacy group lobbyists are as oblivious to the needs of minority communities, and are as supportive of ongoing racial discrimination in their policies and practices, as many of their banking, utility and insurance bureaucratic peers."

Since 2007, the [complaint](#) states, California has had the highest poverty rate, highest homelessness population, and highest homelessness rate in the country. This is for no other reason than its progressive policies that hurt poor people the most. When our leaders try to "fix" climate change, they cannot ignore civil rights, administrative law checks and balances, and liberty.

Now, all Americans are feeling those higher costs due to progressive policies. Low- and middle-income families are struggling to make ends meet. The effects of "clean" energy policies are catastrophic, as are the measures being taken by the federal government that ignore the science behind air quality and responsible energy practices.

When it comes to air quality, we are [a world leader](#). We have reduced the 6 criteria pollutants that the EPA has the authority to regulate under the Clean Air Act by [78%](#) in the past five decades.

The message in the bill is clear: Environmental extremists want to say that the air in these communities is racist and unfair, but what matters more to Americans is not having to choose between food and electricity. With this bill, their precious tax dollars will be spent on making the energy and products that are derived from fossil fuels more expensive, at a time when they can least afford such expenses. This won't reduce demand for the products and energy we need, it will just shift where they are produced, almost certainly to countries that care less about protecting the environment, and much less protecting human rights.

And the last bill on Public Health Air Quality refuses to acknowledge the monumental wins I have already listed, as well as the fact that we have the [cleanest air](#) of any country with over 50 million people. We should be celebrating our success, not spending more money to spread unnecessary climate alarmism.

If we want to improve the lives of all Americans, then we should do so with our affordable, reliable energy from fossil fuels. Until the EPA demonstrates that it will end its war on American fossil fuels, Congress should not bless it with more funding that allows it to further that goal.

What Americans do need is access to more affordable reliable energy. Environmental leadership and economic prosperity go hand in hand. Our country's environmental leadership should be celebrated, and we should stop the destructive drive to eliminate all air pollution with no consideration of the costs. Today, let's focus on our successes and not put more taxpayer dollars toward monitoring that will do nothing but steer our country in the wrong direction. We cannot address injustice with monitoring but we can with energy. To improve the global environment and eradicate poverty as we know it, we should export our energy and our clean air around the world.

I urge the committee not to proceed with any further consideration of these three bills and instead focus on increasing production, transportation, and refining of American energy to help the pocketbooks of those you serve as well as to lift millions around the globe out of abject poverty.

Sincerely,

The Honorable Jason Isaac
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Texas Public Policy Foundation

