

112TH CONGRESS  
1ST SESSION

# H. R. 1705

To require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2011

Mr. SULLIVAN (for himself, Mr. MATHESON, Mr. UPTON, Mr. WHITFIELD, Mr. SHIMKUS, Mr. WALDEN, Mr. LATTA, Mr. HARPER, Mrs. MCMORRIS RODGERS, Mr. MCKINLEY, Mr. TERRY, Mrs. CAPITO, Mr. GENE GREEN of Texas, Mr. CRITZ, Mr. POMPEO, Mr. ROSS of Arkansas, and Mr. COSTA) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To require analyses of the cumulative and incremental impacts of certain rules and actions of the Environmental Protection Agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transparency in Regu-  
5 latory Analysis of Impacts on the Nation Act of 2011”.

1 **SEC. 2. COMMITTEE FOR THE CUMULATIVE ANALYSIS OF**  
2 **REGULATIONS THAT IMPACT ENERGY AND**  
3 **MANUFACTURING IN THE UNITED STATES.**

4 (a) **ESTABLISHMENT.**—The President shall establish  
5 a committee to be known as the Committee for the Cumu-  
6 lative Analysis of Regulations that Impact Energy and  
7 Manufacturing in the United States (in this Act referred  
8 to as the “Committee”) to analyze and report on the cu-  
9 mulative and incremental impacts of certain rules and ac-  
10 tions of the Environmental Protection Agency, in accord-  
11 ance with sections 3 and 4.

12 (b) **MEMBERS.**—The Committee shall be composed of  
13 the following officials (or their designees):

14 (1) The Secretary of Agriculture, acting  
15 through the Chief Economist.

16 (2) The Secretary of Commerce, acting through  
17 the Under Secretary for International Trade.

18 (3) The Secretary of Labor, acting through the  
19 Commissioner of the Bureau of Labor Statistics.

20 (4) The Secretary of Energy, acting through  
21 the Administrator of the Energy Information Ad-  
22 ministration.

23 (5) The Secretary of the Treasury, acting  
24 through the Deputy Assistant Secretary for Environ-  
25 ment and Energy of the Department of the Treas-  
26 ury.

1           (6) The Administrator of the Environmental  
2           Protection Agency.

3           (7) The Chairman of the Council of Economic  
4           Advisors.

5           (8) The Chairman of the Federal Energy Regu-  
6           latory Commission.

7           (9) The Administrator of the Office of Informa-  
8           tion and Regulatory Affairs.

9           (10) The Chief Counsel for Advocacy of the  
10          Small Business Administration.

11          (11) The Chairman of the United States Inter-  
12          national Trade Commission, acting through the Of-  
13          fice of Economics.

14          (c) CHAIR.—The Secretary of Commerce shall serve  
15          as Chair of the Committee. In carrying out the functions  
16          of the Chair, the Secretary of Commerce shall consult with  
17          the members serving on the Committee pursuant to para-  
18          graphs (5) and (11) of subsection (b).

19          (d) CONSULTATION.—In conducting analyses under  
20          section 3 and preparing reports under section 4, the Com-  
21          mittee shall consult with, and consider pertinent reports  
22          issued by, the Electric Reliability Organization certified  
23          under section 215(c) of the Federal Power Act (16 U.S.C.  
24          824o(c)).

1 (e) TERMINATION.—The Committee shall terminate  
2 90 days after submitting its final report pursuant to sec-  
3 tion 4(c).

4 **SEC. 3. ANALYSES.**

5 (a) SCOPE.—The Committee shall conduct analyses,  
6 for each of the calendar years 2016, 2020, and 2030, of  
7 the following:

8 (1) The cumulative impact of covered rules that  
9 are promulgated as final regulations on or before  
10 January 1, 2012, in combination with covered ac-  
11 tions.

12 (2) The cumulative impact of all covered rules  
13 (including covered rules that have not been promul-  
14 gated as final regulations on or before January 1,  
15 2012), in combination with covered actions.

16 (3) The incremental impact of each covered rule  
17 not promulgated as a final regulation on or before  
18 January 1, 2012, relative to an analytic baseline  
19 representing the results of the analysis conducted  
20 under paragraph (1).

21 (b) CONTENTS.—The Committee shall include in  
22 each analysis conducted under this section the following:

23 (1) Estimates of the impacts of the covered  
24 rules and covered actions with regard to—

1 (A) the global economic competitiveness of  
2 the United States, particularly with respect to  
3 energy intensive and trade sensitive industries;

4 (B) other cumulative costs and cumulative  
5 benefits, including evaluation through a general  
6 equilibrium model approach;

7 (C) any resulting change in national,  
8 State, and regional electricity prices;

9 (D) any resulting change in national,  
10 State, and regional fuel prices;

11 (E) the impact on national, State, and re-  
12 gional employment during the 5-year period be-  
13 ginning on the date of enactment of this Act,  
14 and also in the long term, including secondary  
15 impacts associated with increased energy prices  
16 and facility closures; and

17 (F) the reliability and adequacy of bulk  
18 power supply in the United States.

19 (2) Discussion of key uncertainties and assump-  
20 tions associated with each estimate.

21 (3) A sensitivity analysis.

22 (4) Discussion, and where feasible an assess-  
23 ment, of the cumulative impact of the covered rules  
24 and covered actions on—

25 (A) consumers;

1 (B) small businesses;  
2 (C) regional economies;  
3 (D) State, local, and tribal governments;  
4 (E) local and industry-specific labor mar-  
5 kets; and  
6 (F) agriculture,  
7 as well as key uncertainties associated with each  
8 topic.

9 (c) METHODS.—In conducting analyses under this  
10 section, the Committee shall use the best available meth-  
11 ods, consistent with guidance from the Office of Informa-  
12 tion and Regulatory Affairs and the Office of Management  
13 and Budget Circular A–4.

14 (d) DATA.—In conducting analyses under this sec-  
15 tion, the Committee shall use the best available data, in-  
16 cluding the most recent data representing air and water  
17 quality, facility emissions and discharges, and installed  
18 controls.

19 (e) COVERED RULES.—In this section, the term “cov-  
20 ered rule” means the following:

21 (1) The following published rules (including any  
22 successor or substantially similar rule):

23 (A) “Federal Implementation Plans To Re-  
24 duce Interstate Transport of Fine Particulate

1 Matter and Ozone”, published at 75 Fed. Reg.  
2 45210 (August 2, 2010).

3 (B) “National Ambient Air Quality Stand-  
4 ards for Ozone”, published at 75 Fed. Reg.  
5 2938 (January 19, 2010).

6 (C) “National Emission Standards for  
7 Hazardous Air Pollutants for Major Sources:  
8 Industrial, Commercial, and Institutional Boil-  
9 ers and Process Heaters”, published at 76 Fed.  
10 Reg. 15608 (March 21, 2011).

11 (D) “National Emission Standards for  
12 Hazardous Air Pollutants for Area Sources: In-  
13 dustrial, Commercial, and Institutional Boil-  
14 ers”, published at 76 Fed. Reg. 15554 (March  
15 21, 2011).

16 (E) “National Emission Standards for  
17 Hazardous Air Pollutants from Coal- and Oil-  
18 fired Electric Utility Steam Generating Units  
19 and Standards of Performance for Fossil-Fuel-  
20 Fired Electric Utility, Industrial-Commercial-  
21 Institutional, and Small Industrial-Commercial-  
22 Institutional Steam Generating Units”, signed  
23 by Administrator Lisa P. Jackson on March 16,  
24 2011.

1 (F) “Hazardous and Solid Waste Manage-  
2 ment System; Identification and Listing of Spe-  
3 cial Wastes; Disposal of Coal Combustion Re-  
4 siduals From Electric Utilities”, published at  
5 75 Fed. Reg. 35127 (June 21, 2010).

6 (G) “Effluent Limitations Guidelines and  
7 Standards for the Construction and Develop-  
8 ment Point Source Category”, published at 74  
9 Fed. Reg. 62995 (December 1, 2009).

10 (H) “National Pollutant Discharge Elimini-  
11 tion System—Proposed Regulations to Es-  
12 tablish Requirements for Cooling Water Intake  
13 Structures at Existing Facilities and Amend  
14 Requirements at Phase I Facilities”, signed by  
15 Administrator Lisa P. Jackson on March 28,  
16 2011.

17 (I) “Primary National Ambient Air Qual-  
18 ity Standard for Sulfur Dioxide”, published at  
19 75 Fed. Reg. 35520 (June 22, 2010).

20 (J) “Primary National Ambient Air Qual-  
21 ity Standards for Nitrogen Dioxide”, published  
22 at 75 Fed. Reg. 6474 (February 9, 2010).

23 (2) The following additional rules or guidelines  
24 promulgated on or after January 1, 2009:



1 (A) Any rule or guideline promulgated  
2 under sections 111(b) or 111(d) of the Clean  
3 Air Act (42 U.S.C. 7411(b), 7411(d)) to ad-  
4 dress climate change.

5 (B) Any rule or guideline promulgated by  
6 the Administrator of the Environmental Protec-  
7 tion Agency, a State, a local government, or a  
8 permitting agency under or as the result of sec-  
9 tion 169A or 169B of the Clean Air Act (42  
10 U.S.C. 7491, 7492).

11 (C) Any rule establishing or modifying a  
12 national ambient air quality standard under  
13 section 109 of the Clean Air Act (42 U.S.C.  
14 7409).

15 (f) COVERED ACTIONS.—In this section, the term  
16 “covered action” means any action on or after January  
17 1, 2009, by the Administrator of the Environmental Pro-  
18 tection Agency, a State, a local government, or a permit-  
19 ting agency as a result of the application of part C of title  
20 I (relating to prevention of significant deterioration of air  
21 quality) or title V (relating to permitting) of the Clean  
22 Air Act (42 U.S.C. 7401 et seq.), if such application oc-  
23 curs with respect to an air pollutant that is identified as  
24 a greenhouse gas in “Endangerment and Cause or Con-  
25 tribute Findings for Greenhouse Gases Under Section

1 202(a) of the Clean Air Act”, published at 74 Fed. Reg.  
2 66496 (December 15, 2009).

3 **SEC. 4. REPORTS; PUBLIC COMMENT.**

4 (a) PRELIMINARY REPORT.—Not later than January  
5 31, 2012, the Committee shall make public and submit  
6 to the Committee on Energy and Commerce of the House  
7 of Representatives and the Committee on Environment  
8 and Public Works of the Senate a preliminary report con-  
9 taining the results of the analyses conducted under section  
10 3.

11 (b) PUBLIC COMMENT PERIOD.—The Committee  
12 shall accept public comments regarding the preliminary re-  
13 port submitted under subsection (a) for a period of 90  
14 days after such submission.

15 (c) FINAL REPORT.—Not later than August 1, 2012,  
16 the Committee shall submit to Congress a final report con-  
17 taining the analyses conducted under section 3, including  
18 any revisions to such analyses made as a result of public  
19 comments, and a response to such comments.

20 **SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

21 There is authorized to be appropriated to carry out  
22 this Act a total of \$2,000,000 for fiscal years 2012 and  
23 2013.

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