



**THE SELECT COMMITTEE ON
ENERGY INDEPENDENCE AND GLOBAL WARMING**

**Chairman Edward J. Markey
Opening Statement
Select Committee Hearing Entitled
“Approaching Midnight: Oversight of the Bush Administration’s Last-Minute
Rulemakings”
December 11, 2008**

Good morning.

While the clock may be winding down on the Bush Administration’s time in office, its regulatory damage is, unfortunately, far from over. The Administration is currently working on finalizing a number of last-minute rule changes that, if enacted, will have serious negative impacts on our environment long after this Administration has left office. These proposed “midnight rules” are so numerous and far reaching that they would harm everything from the quality of our air and water, to our public lands, to the survival of endangered species and our warming climate. Indeed, the Bush Administration is on pace to do almost as much damage to our environment in its last eight weeks in office as it did over the last eight years.

The Administration has set its regulatory sights on two of our nation’s longest standing and most important environmental laws. The Environmental Protection Agency is attempting to push through multiple rules that will severely weaken Clean Air Act requirements for industry -- degrading air quality for all Americans and worsening the climate crisis.

Meanwhile, the Department of Interior is seeking to gut the Endangered Species Act by removing scientific input, weakening protections for iconic species like the polar bear and preventing consideration of the impacts of global warming. The Administration is seeking to make these sweeping changes to the ESA while minimizing public input and review. Recently, the Bush Administration rushed through consideration of 300,000 comments on the proposed rule in 32 hours and then provided a mere 10 days for the public to review the environmental assessment of the changes.

The Administration is also pushing to ease restrictions on some of the most destructive practices for our climate. The Interior Department is in the process of issuing rules that will remove key protections against mountaintop removal mining and allow the development of oil shale in 2 million acres of western public lands.

With so much work to be done on the economy, energy, and health care, it’s unfortunate that President-elect Obama and the Democratic Congress will have to expend so much time recovering from the regulatory nightmare of these midnight rulemakings.

Sadly, these rule changes are not a *deviation* from the Bush Administration's record, they are the *culmination* of eight years of industry handouts and environmental deregulation. By ramming through these eleventh-hour regulations, President Bush will simply cement his legacy as the most anti-environmental president in our nation's history.

Today, the Select Committee has convened an oversight hearing with a panel of environmental and regulatory experts to further examine some of the most egregious of these last-minute rule changes. It is imperative that the Bush Administration not be allowed to finalize these rules under the cover of darkness without public scrutiny.

It's amazing what casting a little sunlight on these midnight regulations can do. Late yesterday afternoon, the EPA announced that it would drop its attempt to issue a regulatory loophole that would have allowed dirty power plants to produce even more air pollution and heat-trapping emissions, which had been recommended by the Cheney Secret Energy Task Force. This reversal prevented a rule change that would have increased global warming pollution by the equivalent of adding fifty million cars to the roads. In addition, the agency subsequently confirmed reports that it also would abandon its push to roll back regulations on air pollution in our national parks and wilderness areas. This Committee and this Congress will continue to keep a watchful eye on the Bush Administration's regulatory actions until they have turned off the lights at 1600 Pennsylvania Avenue once and for all.