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On July 11, the House Energy and Commerce Subcommittee on Environment and the Economy held a hearing to discuss constitutional considerations of federal environmental policy. The hearing focused on the Clean Power Plan, which the Environmental Protection Agency (EPA) issued on June 2.

Subcommittee Chairman John Shimkus (R-IL) expressed disapproval of recent EPA guidelines, such as the Clean Power Plan, suggesting that the federal government should allow states to be the primary regulators on matters of health and the environment. Rep. Henry Waxman (D-CA) held that there are situations in which the federal government must become involved in regulation. Rep. Waxman highlighted downwind pollution from power plants, saying that pollution does not adhere to state boundaries and, therefore, falls under the jurisdiction of the federal government.

Ranking Member Paul Tonko (D-NY) highlighted the benefits of cooperative federalism in areas of environmental policy. In this situation, the states work with the federal government to implement federal regulations. Rena Steinzor, Professor at University of Maryland School of Law, added that this allows states to more specifically choose which regulations to stress, and would enable states to tailor the laws to their needs and avoid a one-size-fits-all approach.

Source: House Energy and Commerce Subcommittee on Environment and the Economy

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