



COMMITTEE ON ENERGY AND COMMERCE

Chairman Fred Upton

Jobs and Energy Permitting Act of 2011

This year, through the [American Energy Initiative](#), Congress is pursuing a series of sensible energy reforms designed to increase the production of American-made energy, which will bring down costs, create jobs, and make America more secure and energy independent. As part of that effort, Rep. Cory Gardner (R-CO) – a member of the Subcommittee on Energy and Power – has put forward a discussion draft of the **Jobs and Energy Permitting Act**, which would eliminate needless permitting delays that have stalled important energy production opportunities off the coast of Alaska.

Background: Bureaucratic Delays are Blocking Energy Development

The Jobs and Energy Permitting Act aims to eliminate uncertainty and confusion under the Clean Air Act that has delayed – sometimes for years – oil exploration in the Alaskan Outer Continental Shelf. While the Environmental Protection Agency's regional office has granted air permits to allow offshore drilling, the process has repeatedly been stalled when the Administrator's Environmental Appeals Board rejects the permit already granted. This prevents final agency action, which leaves energy production in a perpetual state of limbo.

Eliminating Uncertainty, Clarifying the Law

To eliminate this uncertainty, Rep. Gardner's draft proposal would make three technical clarifications to the Clean Air Act.

- The proposal would specify that any drilling vessel must be considered a stationary source – and regulated as such – once drilling commences. This eliminates uncertainty about which rules apply and when in the energy development process.
- Similarly, the proposal would clarify that service ships are not regulated as stationary sources simply because they supply or service the OCS source. Service ships, like delivery trucks servicing factories on land, are regulated under the Clean Air Act as mobile sources; the proposal clarifies that additional Clean Air Act regulation is not layered on simply because these ships are servicing an OCS source.
- In addition, the proposal would specify that air emission impacts are to be measured onshore. This is consistent with the emissions measurements that apply to facilities on land, measuring emissions at the point where they could affect individuals, whether at the shore line or on the fence line.

Cutting through the Red Tape by Bypassing the Bureaucracy

The Jobs and Energy Permitting Act eliminates the permitting ping-pong between EPA and its Environmental Appeals Board. Rather than having permits repeatedly approved and rescinded by the agency and its review board, EPA will be required to take final action – granting or denying a permit – within six months. Any appeals will go to the D.C. Circuit Court for resolution, because of the national implications of oil production on the Outer Continental Shelf and the need for consistency in decision-making.