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November 15, 2022

Independent Regulatory Review Commission  
 333 Market Street  
 Harrisburg, PA 17101

Dear Commissioners,

On Monday, November 14, 2022, the House Environmental Resources and Energy (ERE) Committee voted to submit a letter to IRRC disapproving of Environmental Quality Board (EQB) Regulation #7-579. The undersigned members of the House ERE committee respectfully dissent. It should be noted that Monday's meeting was called with no prior notice, and we did not have a chance to review the contents of the letter prior to the vote.

In effect, the 15 Republican members of the House ERE Committee voted to withhold up to more than \$450,000,000 (and potentially as much as \$1 billion, according to PennDOT estimates) in federal transportation funding contingent on VOC control regulations being enacted by December 16, 2022. The companion regulation that covers unconventional wells, EQB Regulation #7-544, was unanimously approved by IRRC on July 12, 2022. Due to provisions in the Regulatory Review Act, meeting the December 16 deadline is no longer possible, as the required 14-day review period would push enactment into 2023.

Nonetheless, we urge a yes vote on this regulation. The procedural concerns brought up in the Republican letter are unfounded. The provisions in this regulation and their impacts on the conventional oil and gas industry are identical to the original regulation, which was approved by the EQB on March 15, 2022, after rigorous review. Thus, an omitted-final form regulation is entirely appropriate. As Chair Metcalfe points out in the Republican letter, the proposed regulation and public comment period may be skipped when the procedures are "impracticable, unnecessary, or contrary to the public interest." All three apply in this case. Restarting the process from the proposed stage would be:

- Impracticable, as it would ensure missing the December 16, 2022, federal deadline to enact VOC regulations;
- Unnecessary, as it would be redundant; and
- Contrary to the public interest, as it would result in the loss of over \$450,000,000 in federal funding.

Republicans on this committee have repeatedly made clear their contempt for the Department of Environmental Protection and this Commonwealth's Constitution, which enshrines that all Pennsylvanians "have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment." Viewed through this lens, it's hard to see Monday's vote as being animated by anything other than spite. The loss of funding would impact nearly 300 projects throughout the state and result in Pennsylvania's federal gasoline tax dollars being redistributed to other states. Once again, we urge a yes vote on EQB Regulation #7-579.

Sincerely,



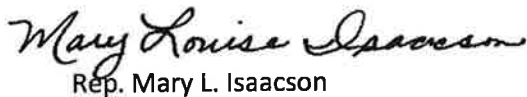
Rep. Greg Vitali



Rep. Joe Hohenstein



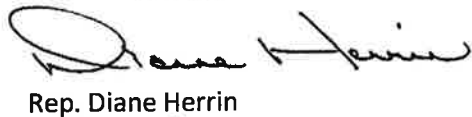
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Rep. Mary L. Isaacson



Rep. Danielle Friel Otten



Rep. Diane Herrin



Rep. Leanne Krueger



Rep. Rick Krajewski



Rep. Elizabeth Fiedler



Rep. Martell Covington