



Congresswoman Lois Capps

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Capps Wins Fight to Keep Contentious MTBE Liability Waiver out of Energy Bill

WASHINGTON, D.C. – Congresswoman Lois Capps, the leader on MTBE issues in the House, today applauded her fellow energy bill conferees for rejecting a provision to grant special protection for MTBE manufacturers.

“This provision is clearly contentious and doesn’t belong in the energy bill,” Congresswoman Capps said. “I am pleased that the MTBE industry bailout has been removed from the energy conference legislation. The liability protection waiver would have pushed tens of billions of dollars in groundwater cleanup costs onto taxpayers.”

Congresswoman Capps worked tirelessly to defeat the so-called “safe harbor” protections that would have absolved MTBE manufacturers from responsibility for the damage their product has caused. MTBE is responsible for contaminating groundwater at more than 2,300 sites in dozens of states, and cleanup costs could be as much as \$85 billion. This special protection, included in the House bill but not the Senate bill, doomed comprehensive energy legislation two years ago.

In April, House Republicans denied Capps’ request to offer an amendment on the House floor that would have stripped the MTBE provision from the energy bill. In response, Capps employed a never-before-used legislative procedure to ensure the House voted on MTBE. Since the MTBE “safe harbor” was identified by the Congressional Budget Office (CBO) as an unfunded mandate on state and local governments and the private sector, the Unfunded Mandates Reform Act provided a procedural opportunity to strip it from the energy bill. While Capps’ amendment was narrowly defeated, the close vote sent a powerful signal to the Senate that MTBE was extremely contentious in the House and set the stage for the conference rejection of the provision.

Capps filed the first motion to instruct to the conferees of the Energy Policy Act of 2005 (H.R. 6). The motion called on the conferees to not include the liability protection waiver in the final version of the bill.

Now that the onerous provision is out of the energy bill, Capps is calling on the oil industry that caused this problem to pay to clean it up.

“Now it is time for the oil industry to sit down and work out cleanup plans with the towns, cities and counties that have MTBE in their groundwater,” Capps said. “This problem has dragged on long enough and the oil companies should focus on cleaning up the mess they caused to our groundwater rather than fighting about it in courts and the Congress.”

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