

New Boiler MACT Legislation Sign-On Letter

As the Boiler MACT Coalition continues its efforts to gain additional cosponsors to the EPA Regulatory Relief Act of 2011 (S. 1392), it is increasingly important that Senators understand the need for legislation to address these problematic and overly-burdensome regulations. On October 4, a group of Senators sent a [letter](#) to Environmental Protection Agency (EPA) Administrator Lisa Jackson expressing their concerns with the Definition of Non-Hazardous Secondary Materials (NHSM) rule. While it is encouraging that the EPA decided to revise this rule, these Senators should be aware of the many problems that still exist with the NHSM rule, the achievability of the rules, and the compliance time frame. As a result, the Boiler MACT Coalition is seeking associations and companies to sign-on to the letter below which outlines our continued concerns with the rules and urges cosponsorship of S. 1392. Please note the letter will be sent to the following ten Senators that signed the October 4th letter but have not yet cosponsored S. 1392: Sens. Brown (D-OH), Cantwell (D-WA), Casey (D-PA), Franken (D-MN), Klobuchar (D-MN), Levin (D-MI), Merkley (D-OR), Murray (D-WA), Snowe (R-ME), and Stabenow (D-MI).

Please sign this letter by November 11, 2011 to ensure timely delivery to these Senators. To sign on to this letter, please email publicaffairs@nam.org and include your full company or association name as you would like it to appear. Please contact Alicia Meads at NAM (202-637-3174) with any questions.

Dear Senator [INSERT NAME],

We noted with interest the October 4th letter that you and 10 of your colleagues sent to EPA Administrator Lisa Jackson regarding the Definition of Non-Hazardous Secondary Materials (NHSM) rule. We are encouraged that EPA has committed to revise the rule, but it is unclear whether the diversity of materials commonly used as fuels will remain available to industry as alternative sources of energy. In addition, the NHSM rule is only one part of the flawed Boiler MACT regulations, and litigation on each regulatory component will create significant uncertainty for several years. Bipartisan legislation (S. 1392) has been introduced in the Senate to provide a more certain path forward to achievable rules that finally can be implemented. We urge you to cosponsor this important legislation.

We understand that EPA has submitted a revised proposed rule to the Office of Management and Budget (OMB) which may be released shortly. Affected industries will review this carefully, but legislation continues to be the best way to guarantee that EPA has enough time to receive the additional testing data it needs to develop achievable Boiler MACT rules. For example, the forest products industry is testing certain biomass boilers over a range of conditions to determine emissions variability over time. The current schedule of producing a final rule in April 2012 will not allow enough time to generate enough additional data.

The legislation also encourages EPA to set achievable standards for new boilers across a range of fuels. As currently written, the rules make it nearly impossible to use fuels other than natural gas in new boilers. Many industries could install more modern and efficient boilers using a range of fuels if the new source standards are modified. The statute intended that these regulations be fuel neutral, so it is important that the EPA make changes that will allow companies to replace old boilers with a variety of new types of boilers.

Furthermore, the legislation encourages EPA to use its existing discretion to provide less costly alternatives, such as work practices for emissions at such low levels that there is high uncertainty in measurement and controls. EPA has used work practices in many such circumstances. Finally, S. 1392 provides additional time for companies to comply with this regulation. Additional time is needed because of the scope of changes that will be needed and the number of affected facilities. In most cases, the technology required must be specifically designed and engineered for the manufacturing facility to meet old and new requirements. This takes more time and planning especially when other industries are competing for the same qualified vendors and consultants.

Again, we appreciate your engagement on this critical issue, and we urge you to cosponsor S. 1392 to help ensure the final Boiler MACT rules protect American jobs and public health.

Sincerely,

For More Information, Please Contact:
Chip Yost
Vice President, Energy and Resources Policy
cyost@nam.org
202.637.3175