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September 19, 2011

The Honorable Fred Upton
Chairman
House Committee on Energy and Commerce
2125 Rayburn House Office Building
Washington, DC 20515

The Honorable Henry Waxman
Ranking Member
House Committee on Energy and Commerce
2322A Rayburn House Office Building
Washington, DC 20515

Dear Chairman Upton and Ranking Member Waxman:

We are writing to you on behalf of the National Association of Clean Air Agencies (NACAA) to express our opposition to H.R. 2250 – the “EPA Regulatory Relief Act of 2011” – and H.R. 2681 – the “Cement Sector Regulatory Relief Act of 2011” – both of which the House Energy and Commerce Committee will be marking up this week. NACAA is the national association of air pollution control agencies in 51 states and territories and over 165 metropolitan areas across the country. The members of NACAA have the primary responsibility under the Clean Air Act for ensuring healthful air quality and, as such, are deeply concerned with the substantial adverse impacts on public health and welfare that will result from enactment of these two bills.

H.R. 2250, the “EPA Regulatory Relief Act of 2011,” would seriously weaken one of the most important programs of the Clean Air Act: reducing hazardous air pollutants (HAPs) from large industrial facilities. Most notably, the bill would stay the regulations addressing HAPs from Industrial, Commercial and Institutional Boilers issued by EPA on March 21, 2011; delay the promulgation of new boiler rules for *at least* 15 months; extend compliance schedules to *at least* five years, rather than the three years the Clean Air Act currently provides; and adopt a definition of “solid waste” that would have the practical effect of exempting waste-burning facilities from standards applying to incinerators. Moreover, rather than requiring the *Maximum* Achievable Control Technology for sources of hazardous air pollutants, as the Clean Air Act mandates for all other major industrial facilities, H.R. 2250 would rewrite this provision for industrial boilers by calling for the “least burdensome” standards.

EPA's already-adopted boiler rules will substantially reduce emissions from a broad sector of industrial, commercial and institutional boilers and from commercial solid waste incinerators. After coal-fired power plants, these combustion units are among the largest quantity emitters of toxic and criteria pollutants in the country, including arsenic, cadmium, chromium, hydrogen chloride, hydrogen fluoride, lead, manganese, mercury, nickel, formaldehyde, benzene and acetaldehyde emissions, as well as various organic HAPs. Many of these pollutants cause cancer or other health problems in adults and children; in the case of mercury, which is a persistent, bioaccumulative, toxic air pollutant, impacts include adverse effects on IQ, learning and memory.

The rules EPA adopted are extremely cost effective. While there are certainly considerable costs associated with compliance – EPA estimates costs of \$1.4 billion per year – the annual benefits are overwhelming, estimated by the agency to be between \$22 billion and \$54 billion. During the rule-development process, EPA addressed many objections the industry raised regarding the cost and stringency of the rule and included flexibilities that would make it easier for industry to comply (e.g., allowing work-practice standards in lieu of some emissions limitations for certain types of boilers). The resulting rules are expected to prevent up to 6,500 premature deaths, 1,600 cases of chronic bronchitis, 4,000 non-fatal heart attacks, 3,700 cases of acute bronchitis, 78,000 cases of respiratory symptoms and 310,000 days of missed work *each and every year*.

Since EPA has already announced that it will reconsider provisions of the boiler rules to address additional concerns the industry has raised, we believe H.R. 2250 is unnecessary and ill-advised. EPA should be permitted to complete its reconsideration and develop a new proposal.

Similarly, H.R. 2681, the “Cement Sector Regulatory Relief Act of 2011,” would undermine the health protections provided by the Portland Cement standards that EPA issued on September 9, 2010. The bill, among other things, would rescind the Portland Cement standards; delay promulgation of new rules for *at least* 15 months; and extend compliance schedules to *at least* five years, rather than the three years the Clean Air Act currently provides. Additionally, as with the boiler bill, H.R. 2681 calls for the “least burdensome” standards, rather than the most protective controls Congress intended.

The cement industry represents the third largest source of mercury emissions in the United States and is responsible for emissions of many other toxic and criteria air pollutants, including, among others, hydrochloric acid, hydrocarbons, dioxins, sulfur dioxide and particulate matter, each of which is known or suspected to cause significant health problems, including cancer, and even death.

Fortunately, EPA's rule is expected to result in significant and much-needed reductions in emissions from cement kilns, while also providing concessions to industry. According to the agency, the rule will prevent up to 2,500 premature deaths *each year* and will avert many other health problems, including up to 17,000 cases of aggravated asthma, 1,500 heart attacks and 32,000 cases of upper and lower respiratory symptoms annually. In addition, it will prevent 130,000 lost work days each year. According to EPA, the regulation will yield \$7 billion to \$18

billion annually in benefits, which is substantial when compared to the estimated \$350 million to \$950 million in annual costs that the agency has calculated.

In summary, NACAA believes there is no justification for rescinding EPA's boiler and Portland Cement rules, both of which were long overdue. The rules respond directly to Congress' mandate. They address many of the objections these industries raised during the public comment periods. And while their costs may be considerable, the benefits overwhelmingly outweigh them. State and local air pollution control agencies stand ready to work with the affected industries and EPA to implement these rules and provide the public with the health protections they deserve.

We urge you to vote against passage of H.R. 2250 and H.R. 2681.

Thank you for your consideration of our comments. For further information, please do not hesitate to contact us or Bill Becker of NACAA at bbecker@4cleanair.org or (202) 624-7864.

Sincerely,



Lynne A. Liddington
Knoxville, TN
Co-President of NACAA



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