

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

1615 H STREET, N.W.
WASHINGTON, D.C. 20062-2000
202/463-5310

June 4, 2013

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Henry Waxman
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman Upton and Ranking Member Waxman:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, strongly supports H.R. 2218, the "Coal Ash Recycling and Oversight Act of 2013," which would protect public health and the environment by building on state programs to safely regulate coal combustion residuals (CCRs).

The Environmental Protection Agency (EPA) has proposed federal regulations governing the disposition of coal ash and other CCRs under the Resource Conservation and Recovery Act (RCRA). In its proposed rule, the EPA has presented two options: regulate CCRs as hazardous waste under RCRA subtitle C, or regulate them as non-hazardous waste under RCRA subtitle D. The Chamber believes the designation of CCRs as hazardous waste under RCRA Subtitle C would have an immediate negative economic impact on coal-dependent states and key industries across the country.

In addition, the mere specter of EPA action has chilled the CCR reuse industry, as well as impacted numerous other core industries such as road construction and building industries. That is why it is essential to have a legislative solution that can provide certainty to this situation.

H.R. 2218 would provide that much needed certainty to the regulated community. According to a 2011 Veritas Economic Consulting study titled "An Economic Assessment of the Net Employment Impacts from Regulating Coal Combustion Residuals," EPA classification of CCRs as hazardous waste, and the resulting regulations, might force between 184,000 and 316,000 people out of work. Even if EPA was to treat CCRs as non-hazardous waste, the agency's regulations could likely cost as many as 65,000 jobs according to the same study.

The Chamber commends you for your leadership on the “Coal Ash Recycling and Oversight Act of 2013” and looks forward to working with you to advance this important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Bruce Josten". The signature is fluid and cursive, with the first name "R." being the most prominent.

R. Bruce Josten

cc: The House Committee on Energy and Commerce