

Congress of the United States
Washington, DC 20515

August 2, 2010

Administrator Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, DC 20460-3300

Dear Administrator Jackson:

We are writing to express our concern about the proposed Boiler MACT rule – the Maximum Achievable Control Technology rule for industrial, commercial and institutional boilers and process heaters -- that was published on June 4th. As our nation struggles to recover from the current recession, we are deeply concerned that the potential impact of pending Clean Air Act regulations could be unsustainable for U.S. manufacturing and the high-paying jobs it provides. As the national unemployment rate hovers around 10 percent, and federal, state, and municipal finances are in dire straits, hundreds of thousands of manufacturing workers have lost their jobs in the past year alone. The flow of capital for new investment and hiring is still seriously restricted, and could make or break the viability of continued operations. Both small and large businesses are vulnerable to extremely costly regulatory burdens, as well as municipalities, universities, federal facilities, and commercial entities. While we support efforts to address serious health threats from air emissions, we also believe that regulations can be crafted in a balanced way that sustains both the environment and jobs.

We understand that the Boiler MACT rule alone could impose tens of billions of dollars in capital costs at thousands of facilities across the country. Thus, we appreciate your willingness, as expressed in your responses to other recent Congressional letters, to consider flexible approaches that appropriately address the diversity of boilers, operations, sectors, and fuels that could prevent severe job losses and billions of dollars in unnecessary regulatory costs. The proposal asks for comment on an approach that would allow facilities to demonstrate that emissions of certain pollutants do not pose a public health threat. The discussion concludes that the use of the authority under section 112(d)(4) is discretionary and the Agency does not support its use in Boiler MACT. We believe that provision reflects Congress' intent to provide for flexibility where there is not a public health threat. In such cases, it makes sense to allow that approach in the final rule for threshold substances such as hydrogen chloride and manganese. In addition, EPA should use a method to set emissions standards that is based on what real world best performing units actually can achieve. EPA should not ignore biases in its emissions database, the practical capabilities of controls or the variability in operations, fuels and testing performance across the many regulated sectors.

As EPA turns to developing a final Boiler MACT rule, we hope you will carefully consider sustainable approaches that protect the environment and public health while fostering economic recovery and jobs within the bounds of the law. Thank you for your consideration of these views.

Sincerely,



Walt Minnick
Member of Congress




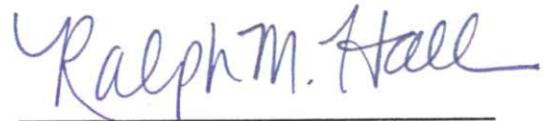
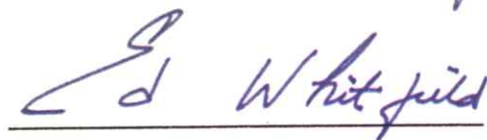
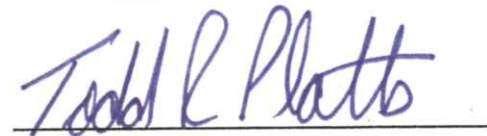
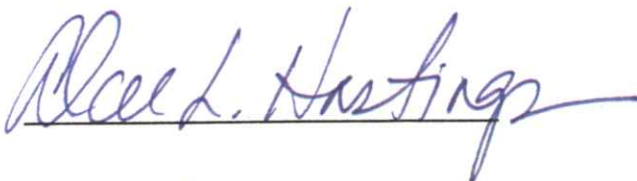
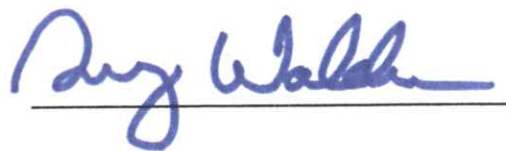
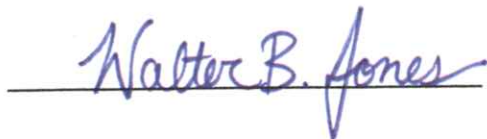
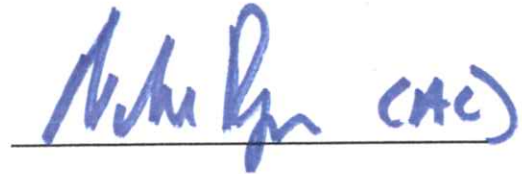
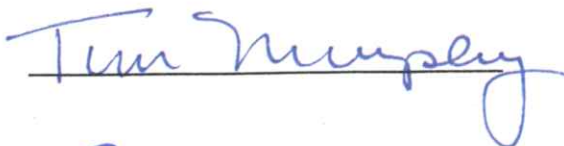
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