



CAL DOOLEY  
PRESIDENT AND CEO

October 8, 2010

The Honorable Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building, Mail Code 1101A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

As a representative of one of America's most significant manufacturing industries, I read with great interest your September 28 letter to members of the Senate regarding the Environmental Protection Agency's (EPA) proposed standards for industrial boilers and process heaters, also known as "Boiler MACT." In the letter you suggested that EPA is considering changes to the proposed rule that would lessen the burden on certain elements of the regulated community. While we welcome your responsiveness to the Senators' concerns, we strongly believe further changes are needed to protect domestic manufacturers and the approximately 60,000 chemical industry jobs that are at stake in the proposal.

America's chemical companies understand the challenges of promulgating a standard to control hazardous air emissions from industrial units, and ACC supports several elements of the Agency's proposal. For example, we agree that the Boiler MACT should not result in or require mandatory fuel switching and that it should encourage fuel diversity. Requiring boiler owners to switch to natural gas would have a substantial adverse impact on the U.S. chemistry industry, which uses natural gas as a raw material, or "feedstock," as well as a power source. We are also encouraged by the Agency's apparent commitment to consider health-based standards instead of emissions controls, when appropriate. Such an approach seems particularly well-suited to controlling emissions of hydrogen chloride.

Your letter acknowledged deficiencies in the quality and quantity of data EPA relied upon to develop the proposed rule. Our extensive comments identify specific concerns with the data and recommend approaches that would, if implemented, achieve a reasonable set of standards. Now that the Agency has more detailed data available, the floor analysis on which the proposal was based should be re-examined and appropriate changes should be made in the proposed emissions limitations to ensure that the final rule is based on the best available science.


In ACC's view, the proposed emission limits for liquid- and gas-fired boilers are far beyond what is required to ensure hazardous air pollutant emissions are minimized. Work practices, rather than emissions controls, are an appropriate means to control emissions from natural and refinery fuel gases, and these requirements can be usefully extended to boilers burning other



types of process gases, hydrogen, and landfill gas, as these are clean-burning fuels with little measurable emissions of hazardous air pollutants. Given the limitations in the data on dioxin and furan emissions, work practices are also appropriate at this time to control those emissions. Periods of startup, shutdown and malfunction differ from normal operating conditions – and again work practices are a better approach to controlling emissions in these critical periods.

ACC and its members greatly appreciate your commitment to a full review of the Boiler MACT comments and to making a science-based decision. We look forward to working with you and your staff to develop and implement standards that not only protect health and the environment, but also help manufacturing industries like ours preserve U.S. jobs and drive the Nation's economic recovery.

Sincerely,



Cal Dooley

cc: Ms. Gina McCarthy, Assistant Administrator for Air & Radiation