



April 13, 2015

The Honorable Fred Upton
Chairman
Committee on Energy & Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Upton:

The American Forest & Paper Association (AF&PA) urges support for the “*Improving Coal Combustion Residuals Regulation Act of 2015*” introduced by Rep. David McKinley (R-WV), which is the subject of the April 14, committee mark-up.

The American Forest & Paper Association (AF&PA) serves to advance a sustainable U.S. pulp, paper, packaging, and wood products manufacturing industry through fact-based public policy and marketplace advocacy. AF&PA member companies make products essential for everyday life from renewable and recyclable resources and are committed to continuous improvement through the industry’s sustainability initiative - *Better Practices, Better Planet 2020*. The forest products industry accounts for nearly 4 percent of the total U.S. manufacturing GDP, manufactures approximately \$210 billion in products annually, and employs nearly 900,000 men and women. The industry meets a payroll of approximately \$50 billion annually and is among the top 10 manufacturing sector employers in 47 states.

In December 2014, the EPA issued final regulations governing the management and disposal of coal combustion residuals (CCRs) generated by electric utilities and independent power producers. The regulation leaves open the question of whether CCRs are hazardous wastes and provides a complicated approach to enforcing the regulations because of the lack of clear authorities under the Resource Conservation and Recovery Act (RCRA).

AF&PA supports appropriate regulation of the management of CCRs. The McKinley legislation recognizes that these materials do not warrant regulation as hazardous wastes, focuses on the largest generators, and encourages continued CCR reuse and recycling.

The pulp and paper industry is a relatively small generator of CCRs. No pulp and paper mill employs any surface impoundment for permanent storage of ash in wet form – which is the cause of many of the challenges for managing CCRs. Most pulp and paper

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mills burn a wide variety of fuels in addition to coal. As a result, those mills co-manage coal ash with residuals generated from other fuels, particularly biomass.

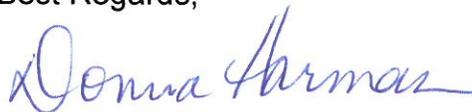
Our industry also reuses and recycles CCRs. A number of AF&PA members manufacture the paper that covers wall board used in construction of homes and other buildings. We have been very supportive of the reuse of CCRs as part of the inner layer of these products.

One of our concerns with EPA's initial proposed regulation of CCRs was that, if they were considered hazardous waste, the reuse of CCRs in gypsum board would be significantly reduced – if not eliminated – because of the perceived risk of placing a so-called “hazardous” material in a product used in homes and offices. While EPA recognized this problem and has generally addressed it, we believe legislation clarifying these matters is helpful and necessary.

We applaud Rep. McKinley for introducing this important legislation and Chairman Shimkus for bringing it to the forefront for discussion to provide clarity and certainty to both the states, who will implement the requirements, and generators and recyclers of CCRs.

We hope that the committee will pass the “*Improving Coal Combustion Residuals Regulation Act of 2015*” and send it to the House floor to bring much-needed certainty to this issue.

Best Regards,



Donna A. Harman
President & Chief Executive Officer