August 10, 2016

U.S. Environmental Protection Agency
Attention: Docket ID No. EPA–HQ-OAR-2015-0531
Mr. Christopher Werner & Ms. Rhea Jones
Office of Air and Radiation
1200 Pennsylvania Ave. NW
Mail Code 28221T
Washington D.C. 20460

Re: Protection of Visibility: Amendments to Requirements for State Plans, Proposed Rule, Docket ID No. EPA-HQ-OAR-2015-0531, 81 Fed. Reg. 26,942 (May 4, 2016)

The American Coalition for Clean Coal Electricity, American Forest & Paper Association, American Iron and Steel Institute, American Petroleum Institute, American Wood Council, Council of Industrial Boiler Owners, Electricity Consumers Resource Council, National Association of Manufacturers, National Lime Association, National Mining Association, and U.S. Chamber of Commerce (collectively, "the Associations")[1] appreciate the opportunity to submit the following comments in response to the Environmental Protection Agency's ("EPA's") proposed Protection of Visibility: Amendments to Requirements for State Plans, Docket ID No. EPA-HQ-OAR-2015-0531, 81 Fed. Reg. 26,942 (May 14, 2016) (hereinafter, "proposal" or "proposed rule").

The Associations represent the nation's leading energy and manufacturing sectors that form the backbone of the nation's industrial ability to grow our economy and provide jobs in an environmentally sustainable and energy efficient manner. Significantly, the Associations both represent and are reliant upon power plants and other industrial stationary sources which may be regulated under the Clean Air Act's visibility program and, thus, may be directly impacted by the

[1] A description of each Association is included in Appendix A.

proposed rule. In recent years, EPA has taken several actions that have dramatically increased the scope and reach of the visibility program by disapproving of State Implementation Plans ("SIPs") to address regional haze and imposing Federal Implementation Plans ("FIPs") in their place. In doing so, EPA has unlawfully expanded the regional haze FIPs beyond the limits imposed by Congress in the Clean Air Act and beyond the scope of EPA's own implementing regulations. These efforts, in turn, have dramatically increased the regulatory burden on stationary sources currently subject to regional haze requirements and thereby imposed economic burdens on the Associations' members.

While the Associations support reasonable and cost effective measures to improve visibility in Class I areas, it is critical that EPA and the states do so in a simple, straightforward, and flexible manner that reduces regulatory burdens and minimizes costs. The visibility program differs from most Clean Air Act programs because it is focused exclusively on aesthetic rather than human health concerns. As a result, it is even more imperative that EPA provide an adequate justification for imposing costly regulatory requirements on states and regulated sources. In the past, EPA has failed to do so and instead has issued FIPs that imposed billions of dollars in costs to regulated sources in order to achieve visibility benefits that EPA concedes would be imperceptible to the naked eye.[2] States, regulated entities, and the courts have all expressed concern over the legality of EPA's aggressive approach toward implementing the Regional Haze program. In fact, the Fifth Circuit recently issued a stay of EPA's FIP Texas and Oklahoma after concluding that petitioners had "a strong likelihood of showing that EPA exceeded its statutory authority by disapproving of Texas and Oklahoma's reasonable progress goals" and establishing costly federal reasonable progress goals to take their place. *See State of Texas v. EPA*, Fifth Cir. Case No. 16-60118, Doc. No. 513595283. While EPA has proposed several measures to streamline the visibility program, the Associations have strong concerns that several of EPA's proposals would expand the scope of the Regional Haze program and adversely affect the Associations' members.

I. EPA Cannot Require States to Apply an Individual Source-Based Approach to Reasonable Progress Goals

The Associations are concerned that EPA's proposed changes to the Reasonably Attributable Visibility Impairment ("RAVI") provisions could be used to require states to expand the use of source-based analyses in establishing reasonable progress goals ("RPGs") in their SIPs. In comparison to RPGs for regional haze, RAVI provisions have been used infrequently to address visibility concerns caused primarily by individual sources or a small group of sources. EPA has recently begun conducting unlawful source-specific RPG analyses in regional haze

[2] Visibility changes of less than 1 deciview cannot be perceived by the naked eye. 77 Fed. Reg. at 30,250.

FIPs[3] and the Associations are concerned that the proposed changes to the RAVI provisions will result in a greater emphasis on such source-specific analyses. Such analyses are unnecessary to improve visibility in Class I areas and serve only to increase the regulatory burden on states and regulated sources. EPA must clarify that the RAVI provisions are only applicable where it is demonstrated that a unique single source or small group of sources alone contributes to visibility impairment. When visibility is impaired by a large group of sources, the regional haze provision's source category-based RPG analysis should be used instead.

The RAVI and regional haze provisions are complementary in nature and are designed to address different types of visibility impairments. EPA defines "reasonably attributable visibility impairment" as "visibility impairment that is caused by the emission of air pollutants from one, or a small number of sources." 40 C.F.R. § 51.301. In contrast, "regional haze" is defined as "visibility impairment that is caused by the emission of air pollutants from numerous sources located over a wide geographic area" and can include major and minor stationary sources, mobile sources, and area sources. *Id.* The programs are complementary because they address two different ways that visibility in Class I areas can be impaired: either by emissions from a few readily identifiable sources or by emissions from a large number of diverse sources.

EPA applies the same substantive criteria to establishing RPGs under both the RAVI and regional haze programs. In each case, states must consider the same four factors: (1) "costs of compliance"; (2) "the time necessary for compliance"; (3) "the energy and nonair quality environmental impacts of compliance"; and (4) "the remaining useful life of any potentially affected sources." 42 U.S.C. § 7491(g)(1). In fact, EPA's proposed revisions to the RAVI provisions specifically direct states to apply the regional haze factors in 40 C.F.R. § 51.308(d)(1)(i)(A) when establishing RPGs. *See* 81 Fed. Reg. at 26,969 (proposed 40 C.F.R. § 51.302(b)(1)). The critical difference between the two programs is the scope of the RPG analysis. Under RAVI, EPA proposes that states conduct an RPG analysis for "the source or sources" to which the visibility impairment has been attributed. *Id.* In contrast, regional haze RPG analyses must be conducted for source categories rather than for individual sources. With respect to regional haze, the Clean Air Act discusses "classes or categories of sources" that "may reasonably be anticipated to cause or contribute significantly to impairment of visibility." 42 U.S.C. § 7941(a)(3), (b)(1); *see also* EPA, *Additional Regional Haze Questions* at 8 (Aug. 3, 2006) (explaining that the regional haze strategy is focused on source categories and that "[r]easonable progress is not required to be demonstrated on a source-by-source basis"). Likewise, courts have explained that "[n]either the Clean Air Act nor the Regional Haze Rule requires source-specific analysis in the determination of reasonable progress." *WildEarth Guardians*, 770 F.3d at 944. The distinction between the RPG analysis for RAVI and regional

[3] Courts have made clear that "[n]either the Clean Air Act nor the Regional Haze Rule requires source-specific analysis in the determination of reasonable progress." *WildEarth Guardians v. EPA*, 770 F.3d 919, 944 (10th Cir. 2014).

haze is not surprising since RAVI addresses individual sources while regional haze addresses large groups of sources.

States have primarily relied on the regional haze provision's source category approach to establishing RPGs to address visibility impairment in Class I areas. This is not surprising since visibility impairment is typically caused by multiple sources over a broad geographic area. EPA acknowledges this in the proposed rule. For example, EPA notes that "the pollutants that lead to regional haze can originate from sources located across broad geographic areas" and "these sources may be numerous and emit amounts of pollutants that, even though small, contribute to the collective whole." 81 Fed. Reg. at 26,947. Further, EPA explains that "pollution affecting air quality in Class I areas can be transported over long distances, even hundreds of miles." *Id.* EPA also requires coordination between states to address interstate visibility impairment, 40 C.F.R. § 51,308(d)(iv), and includes in the proposed rule an extensive discussion of international transport of pollutants affecting visibility, 81 Fed. Reg. at 26,956. Thus, given the nature of these pollutants, visibility impairment is almost always caused by "numerous sources located over a wide geographic area" that should be regulated using regional haze RPGs and cannot be attributed to "one, or a small number of sources" that should be regulated using RAVI.

Despite the important distinction between the RAVI and regional haze provisions and the near-exclusive reliance on regional haze provisions to address visibility impairment in Class I areas, the Associations are concerned that EPA's renewed focus on RAVI may be seen as a signal to states and federal land managers that the source-specific RAVI RPGs should be used more extensively to address visibility impairments. For example, EPA's discussion of the proposed RAVI revisions notes that "there have been many advances in ambient monitoring, emissions quantification, emission control technology, and meteorological and air quality monitoring" that presumably could be used to identify individual sources that contribute to visibility impairment in a given Class I area. 81 Fed. Reg. at 26,961. But these improved analytical techniques do not change the fact that most, if not all, visibility impairments are the result of small contributions from many diverse sources that should be addressed under the regional haze provisions. Further, under the proposed rule, federal land managers would have virtually unbounded discretion to certify that RAVI exists "at any time." *See* 81 Fed. Reg. at 26,691. Encouraging federal land managers to do so would infringe on state planning and complicate the SIP process for the Clean Air Act's visibility program.

EPA's proposal further reduces the states' primary role in implementing the Clean Air Act's visibility provisions by removing the reference to techniques that a "state deems appropriate" from the definition of "reasonably attributable." *See* 81 Fed. Reg. at 26,962. This proposed change would improperly constrain a state's authority to implement the visibility program as best suited for the state's unique conditions and provides too much authority to federal land managers to effectively veto states' implementation of these provisions. For this reason, we urge EPA to clarify the limited role of the RAVI program and to emphasize that

source-specific RAVI RPG analyses should not be conducted when visibility impairment cannot be attributed solely to "one, or a small number of sources."

Failure to appropriately limit the scope of the RAVI provisions will add unnecessary burdens to states and regulated sources. During the first phase of the visibility SIPs, states have already identified source categories that contribute significantly to visibility impairment in Class I areas and have conducted source category-based RPG analyses to determine how to improve visibility consistent with the Clean Air Act's requirements. These analyses have identified emission control technologies and other practices that are currently available to reduce emissions from source categories that contribute to visibility impairment. States thus have the capacity to conduct similar reviews when making SIP revisions. Requiring states to conduct multiple source-specific RPG analyses will add significantly to the burden on states while identifying few, if any, opportunities to improve visibility beyond what would otherwise occur using broadly applicable RPGs. Instead, such an approach would arbitrarily target certain stationary sources and result in inconsistent and disproportionate requirements for similarly situated sources that could create market distortions and competitive imbalance. To avoid these risks, EPA should clarify the limited role of the RAVI provisions and ensure that states can continue to address visibility impairment through uniformly applicable regional haze RPGs.

II. EPA Must Avoid Placing Regulatory Obligations on States or Stationary Sources as a Result of Background Emissions that Are Beyond Their Control

As EPA notes in the proposed rule, states have already made significant strides in reducing visibility impairment in Class I areas as a result of their phase I SIPS. 81 Fed. Reg. at 26,946. However, despite the states' efforts to reduce emissions that impair visibility, continued progress may be jeopardized in some Class I areas due to background sources, including both natural sources and emissions from international sources, which are beyond the control of the states. It is imperative that EPA take action to account for background sources in this rulemaking and ensure that states are not unfairly punished as a result of emissions that are beyond their control.

A core tenet of the Clean Air Act's visibility program is the flexibility to ensure that all state requirements are achievable. While the program has a goal of returning all Class I areas to natural visibility, Congress recognized that visibility improvement must be balanced with other, competing state needs, including the protection of economic interests. Thus, when setting RPGs, states can consider, among other things, costs of compliance, energy and non-air quality impacts, and the remaining useful life of potentially affected sources. 42 U.S.C. § 7491(g)(1). States can consider similar factors under a best available retrofit technology analysis for qualifying sources. *Id.* § 7491(g)(2). Furthermore, while states must calculate uniform rates of progress ("URPs") that would allow them to achieve natural visibility conditions in Class I areas by 2064, RPGs may deviate from the URP if a state concludes meeting the URP is unreasonable. *See* 40 C.F.R. § 51.308(d)(1)(ii). These provisions demonstrate that SIPs and the requirements imposed on

sources must be achievable. They also prohibit EPA from disapproving a SIP based on conditions that are beyond a state's control.

As EPA acknowledges in the proposed rule, background sources can, in some cases, threaten a state's ability to comply with certain visibility-related requirements. Background sources can include both natural sources such as wildfires and dust storms and pollutants that are emitted from international sources and subsequently transported to the United States. For example, EPA notes that in Idaho's Sawtooth Wilderness, "improvements from reduced emissions from man-made sources have been overwhelmed by impacts from wildfire and/or dust events." 81 Fed. Reg. at 26,946. EPA goes on to explain that "visibility improvements resulting from decreases in anthropogenic emissions can be hidden in this uncontrollable natural visibility." *Id.* at 26,948. EPA also recognizes that international sources can affect visibility in Class I areas and states that such emissions "can also impact whether a progress report will conclude that actual visibility conditions are approaching the reasonable progress goals for the end of the implementation period." *Id.* at 26,956. The impact of such background sources is not unique to the Clean Air Act's visibility provisions, and EPA has recently proposed regulations to address certain background sources that produce ozone and that can affect compliance with the Clean Air Act's national ambient air quality standards. *See* 80 Fed. Reg. 72,840 (Nov. 20, 2015).

Given the impact that background sources can have on visibility in Class I areas, it is imperative that EPA take action to account for such emissions and ensure that states are not penalized for visibility impairment that is beyond their control. In particular, the Associations are concerned that high or increasing background emissions could interfere with states' obligations to develop RPGs that "provide for an improvement in visibility for the most impaired days over the period of the implementation plan and ensure no degradation in visibility for the least impaired days over the same period." 40 C.F.R. § 51.308(d)(1). Likewise, such background sources may influence the degree to which it is reasonable for a state's RPG to meet the URP for certain Class I areas. The Associations are encouraged by the fact that EPA has recognized the challenges associated with background emissions. Specifically, EPA is proposing to "revise the definitions in § 51.301 to make clear that the 20 percent most impaired days should be selected based on anthropogenic visibility impairment rather than based on the days with the highest deciview values due to impacts from all types of sources." 81 Fed. Reg. at 26,955.[4] In addition, EPA is proposing to allow states with Class I areas significantly impacted by emissions from wildland prescribed fires to make an adjustment to the URP with specific approval by the Administrator. *Id.* at 26,972 (proposed 40 C.F.R. § 51.308(f)(1)(vi)(B)). EPA is also proposing to allow states to adjust their URP values to account for international transport of pollutants

[4] It is unclear how the revised definitions will affect the RPGs contained in phase 2 SIPs relative to the RPGs contained in original SIPs. EPA should provide additional information on the expected impacts to RPGs based on these changing definitions.

under certain conditions. *Id.* at 26,956. While the Associations support these efforts to address background emissions, we remain concerned that these proposed changes do not go far enough to avoid potential adverse impacts to states or regulated sources as a result of background emissions and urge EPA to consider additional protections that may be needed to ensure that the visibility requirements imposed on states and regulated sources remain achievable.

In addition, the Associations are concerned that international emissions from near-border sources can have a significant impact on visibility in Class I airsheds that are located nearby. EPA and the states should increase their efforts to quantify and understand the contribution of international anthropogenic emissions on visibility impacts in near-border Class I airsheds. For SIPs that contain Class I airsheds that wholly or partially are located along international borders, the Associations request that EPA include in the final rule a requirement for the Agency to collect emission data from international (non-U.S.), anthropogenic sources within 50 miles of the border so that states can evaluate their effect on background visibility impacts in Class I airsheds. Also, if regional natural emission data is reasonably estimable, EPA should collect that data and make it available to the states. In the event that natural or international anthropogenic emission data is not available, EPA should be required to explain its attempts to collect the data and why the data is not available. Further, for SIPs that contain Class I airsheds between 50 and 100 miles of an international border, the Associations request that EPA make every effort to collect and evaluate emission data from international (non-U.S.), anthropogenic and natural sources that may impact nearby Class I airsheds. While international anthropogenic emission sources are not controllable by the Clean Air Act or the Regional Haze program, it is imperative to understand and quantify how these potentially significant background sources contribute to visibility impacts. To ignore or fail to fully understand and characterize these potentially significant background contributors places an unreasonable and potentially unattainable burden on facilities that operate in the vicinity of near-border Class I airsheds as states and facilities strive to achieve unrealistic RPGs. The Associations also request that EPA allow states to adjust their SIP's URP for *any quantifiable* background impacts caused by international emissions, regardless of their significance.

III. Streamlining the Regional Haze Program

The EPA maintains in the proposed rule that the changes it is proposing are aimed at streamlining the administrative parts of the Regional Haze program without foregoing environmental protection. Specifically, EPA states that "reducing administrative burdens will result in a more effective program in terms of achieving the goal of improved visibility." 81 Fed. Reg. at 26,952. The Associations appreciate efforts to streamline the Regional Haze program.

However, more work is needed by EPA to further limit the significant and unnecessary burdens created by the recent application of the Regional Haze program. One persistent concern is the too-frequent disapproval of SIPs by EPA. The EPA's second guessing of the reasoned decisions made by states to meet the requirements of the Regional Haze program is inconsistent

with Congress' intent that the Regional Haze program be governed by cooperative federalism, with the states taking the lead in implementation. The Clean Air Act gives states primacy in implementing the Regional Haze program and limits EPA's review of SIPs to an analysis of whether or not the state has complied with statutory and regulatory requirements. If states have met those requirements, EPA should approve their plans.[5]

Recently, EPA's disapproval of SIPs in states like Texas, Oklahoma and Arkansas and adoption or proposed adoption of alternative FIPs have threatened to add billions of dollars of costs to utilities, manufacturers and their consumers without any demonstrated benefits. The Associations urge EPA to continue reviewing its administration of the Regional Haze program, and specifically allow states greater flexibility in determining how best to achieve the stated goals of the program.[6]

A. Extending the Deadline for the Next SIP Revisions

Under the current Regional Haze regulations, the next periodic comprehensive SIP revisions are due by July 31, 2018. In the proposed rule, EPA seeks to amend section 51.308(f) of the Clean Air Act to extend the deadline for those submissions until July 31, 2021. 81 Fed. Reg. at 26,965. The Associations support this extension of the compliance deadline for the next periodic comprehensive SIP revisions.

Extending the deadline will give states a better opportunity to coordinate their regional haze planning with the implementation of other regulations under the Clean Air Act that may be taking effect within the next few years. For instance, the Mercury and Air Toxics Rule, the 2010 SO_2 NAAQS revision, the 2012 $PM_{2.5}$ NAAQS revision, and potentially the Clean Power Plan and 2015 ozone NAAQS revision, likely will impact the actions that states will take to comply with the Regional Haze program requirements. If the states have additional time to address these regulations in their regional haze planning, they could eliminate duplicative or unnecessary actions and reduce the burdens on impacted regulated entities. Indeed, EPA itself expects "this cross-program coordination to lead to better overall policies and enhanced environmental protection." *Id.*

[5] Related, the Associations are concerned with an EPA policy under the Regional Haze program that prevents states from excluding startup, shutdown and malfunction ("SSM") events when establishing and enforcing regional haze requirements for sources. The Associations believe this treatment of SSM events is beyond EPA's authority.

[6] The Associations are also concerned that EPA's proposed changes to 40 C.F.R. § 51.308(f)(2) could be construed to unnecessarily constrain states' development of long-term strategies by requiring states to take a technology-forcing approach to improving visibility. Specifically, we are concerned that EPA's proposed regulations could be construed to require states to establish technology-based controls, determine the emission reductions that can be achieved by those controls over time, and then use those control determinations to establish RPGs for visibility purposes that are then included in the state's long-term strategy. States must remain free to select the most appropriate means of achieving visibility improvements, after weighing all of the relevant factors, without focusing exclusively on technology-based emission controls.

States and regulated entities increasingly are confronted with additional implementation and compliance requirements and deadlines under Clean Air Act regulations. Implementing and complying with these regulations often involves a tremendous amount of time and resources for states, many of which face growing budget constraints. Consequently, allowing more time for submission deadlines, such as the one here for periodic SIP revisions, could save time, money and other resources for states and regulated entities without disrupting the objectives of the Regional Haze program.

B. Improving Reasonable Progress Reporting

The Associations support the EPA's proposal to simplify and streamline the Reasonable Progress reporting process. Specifically, the Associations support EPA's proposal to only require progress reports at the midpoint of the then-current SIP, eliminating the requirement for a progress report at or near the submission of the subsequent SIP. *Id.* As EPA correctly notes in the proposed rule, requiring submission of progress reports at or near the deadline for SIP submissions would provide little, if any, additional useful information beyond what will be included in the SIP. *Id.*

The Associations also support EPA's proposal to change its treatment of progress reports by no longer treating them as SIP revisions. *Id.* at 26,966. Requiring the formality of a SIP for progress reports—a process that was intended to be relatively straightforward—makes little sense. As numerous state regulators have noted, the procedural requirements for preparing SIP revisions can be time- and resource-intensive, while adding little, if anything, to the overall value of the program.

IV. EPA's Overlapping Comment Periods for the Proposed Rule and Guidance for the Second Regional Haze Implementation Period Are Inefficient

Shortly after issuing the proposed rule, EPA published and solicited comment on Draft Guidance on Progress Tracking Metrics, Long-Term Strategies, Reasonable Progress Goals and Other Requirements for Regional Haze State Implementation Plans for the Second Implementation Period. *See* 81 Fed. Reg. 44,608 (July 8, 2016) ("Regional Haze Guidance"). These two proposals have overlapping content and overlapping comment periods, yet EPA is treating them as wholly independent actions. While the proposed rule and Regional Haze Guidance serve different purposes, they apply to the same program and both provide guidance on how states should develop implementation plans to address visibility. In order to ensure consistency between the two documents and to reduce the burden on states, regulated entities, and other stakeholders, EPA should have approached the two proposals together by publishing them simultaneously, soliciting comment on them at the same time, and should now consolidate the actions into a single docket and reopen the comment period for both to allow adequate consideration of how the two proposals impact each other.

Conclusion

The undersigned Associations appreciate your consideration of these comments on this proposed rule. We encourage EPA to continue to look for ways to streamline and improve the Regional Haze program so that it can be efficient and effective without adding unnecessary requirements and burdens on states and regulated entities.

Respectfully Submitted,

American Coalition for Clean Coal Electricity

American Forest & Paper Association

American Iron and Steel Institute

American Petroleum Institute

American Wood Council

Council of Industrial Boiler Owners

Electricity Consumers Resource Council

National Association of Manufacturers

National Lime Association

National Mining Association

U.S. Chamber of Commerce

Appendix A

The **American Coalition for Clean Coal Electricity** ("ACCCE") is a partnership of companies involved in producing electricity from coal. Coal, an abundant and affordable American energy resource, plays a critical role in meeting our country's growing need for affordable and reliable electricity. ACCCE recognizes the inextricable linkage between energy, the economy and our environment. Toward that end, ACCCE supports policies that promote the use of coal, one of America's most abundant domestically-produced energy resources, to ensure a reliable and affordable supply of electricity to meet our nation's growing demand for energy.

The **American Forest & Paper Association** ("AF&PA") is the national trade association of the paper and wood products industry, which accounts for approximately 4 percent of the total U.S. manufacturing gross domestic product. The industry makes products essential for everyday life from renewable and recyclable resources, producing about $210 billion in products annually and employing nearly 900,000 men and women with an annual payroll of approximately $50 billion.

The **American Iron and Steel Institute** (AISI) serves as the voice of the North American steel industry in the public policy arena and advances the case for steel in the marketplace as the preferred material of choice. AISI also plays a lead role in the development and application of new steels and steelmaking technology. AISI is comprised of 19 member companies, including integrated and electric furnace steelmakers, and approximately 125 associate members who are suppliers to or customers of the steel industry.

The **American Petroleum Institute** ("API") represents over 660 oil and natural gas companies, leaders of a technology-driven industry that supplies most of America's energy, supports more than 9.8 million jobs and 8 percent of the U.S. economy, and, since 2000, has invested nearly $2 trillion in U.S. capital projects to advance all forms of energy, including alternatives. API and its members are dedicated to meeting environmental requirements, while economically developing and supplying energy resources to meet consumer needs.

The **American Wood Council** ("AWC") is the voice of North American traditional and engineered wood products, representing over 75% of the industry. From a renewable resource that absorbs and sequesters carbon, the wood products industry makes products that are essential to everyday life and employs approximately 400,000 men and women in family-wage jobs.

The **Council of Industrial Boiler Owners** ("CIBO") is a trade association of industrial boiler owners, architect-engineers, related equipment manufacturers, and University affiliates representing 20 major industrial sectors. CIBO members have facilities in every region of the country and a representative distribution of almost every type of boiler and fuel combination currently in operation. CIBO was formed in 1978 to promote the exchange of information about

issues affecting industrial boilers, including energy and environmental equipment, technology, operations, policies, laws and regulations.

The **Electricity Consumers Resource Council** ("ELCON") is the national association representing large industrial consumers of electricity. ELCON member companies produce a wide range of industrial commodities and consumer goods from virtually every segment of the manufacturing community. ELCON members operate hundreds of major facilities in all regions of the United States. Many ELCON members also cogenerate electricity as a by-product to serving a manufacturing steam requirement.

The **National Association of Manufacturers** ("NAM") is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs nearly 12 million men and women, contributes more than $1.8 trillion to the U.S. economy annually, has the largest economic impact of any major sector and accounts for two-thirds of private-sector research and development. The NAM is the powerful voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.

The **National Lime Association** ("NLA") is the industry trade association for the manufacturers of high calcium quicklime and dolomitic quicklime (calcium oxide) and hydrated lime (calcium hydroxide), which are collectively and commonly referred to as "lime." Lime is used in a wide array of critical applications and industries, including for environmental control and protection, metallurgical, construction, chemical and food production. With plant operations located in 24 states, NLA's members produce greater than 99 percent of the United States' calcium oxides and hydroxides.

The **National Mining Association** ("NMA") is a national trade association whose members produce most of America's coal, metals, and industrial and agricultural minerals. Its membership also includes manufacturers of mining and mineral processing machinery and supplies, transporters, financial and engineering firms, and other businesses involved in the nation's mining industries. NMA works with Congress and federal and state regulatory officials to provide information and analyses on public policies of concern to its membership, and to promote policies and practices that foster the efficient and environmentally sound development and use of the country's mineral resources.

The **U.S. Chamber of Commerce** is the world's largest business federation representing the interests of more than 3 million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations. The Chamber is dedicated to promoting, protecting, and defending America's free enterprise system.