

United States Senate

WASHINGTON, DC 20510

February 18, 2011

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

Dear Administrator Jackson:

We are writing to express our concern about EPA's impending publication of the final rule on Maximum Achievable Control Technology for boilers (BMACT) and the impact that compliance costs will have on economically struggling businesses, such as the forest products industry. Given the continued uncertainty surrounding the final outcome of this rulemaking process, we ask that you delay the effective date of these rules so that , businesses, municipalities, universities and federal facilities do not end up spending already limited resources to comply with standards that are expected to change in the very near term.

While we are very encouraged by EPA's statement last month that the "standards will be significantly different than what we [EPA] proposed in April 2010," given that the court granted the agency a mere 30 days to finalize the rule, we have serious concerns about whether or not EPA will have sufficient time to complete the necessary improvements to the rule. EPA itself has indicated that it expects to make further changes to these rules through the reconsideration process. EPA Assistant Administrator McCarthy publically stated that "the agency believes these changes still deserve further public review and comment and expects to solicit further comment through a reconsideration of the rules. Through the reconsideration process, EPA intends to ensure that the rules will be practical to implement and will protect all Americans from dangerous pollutants such as mercury and soot." She also stated "the agency now believes the draft rules "were simply too tight to be able to be achievable."

As such, we ask that you stay the boiler operator compliance date of this rule until EPA completes its reconsideration process. We feel that this is necessary, because without a stay regulated entities could be subject to regulatory compliance costs that may later be deemed unnecessary or unachievable, and which impose an excessive and expensive regulatory burden on these entities.

Sincerely,



Mary L. Landrieu
United States Senator



Ron Wyden
United States Senator

cc: Mr. Gene Sperling, Chairman, National Economic Council
Mr. William Daley, Chief of Staff, White House