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Subject: Suggestions for Environmental Regulatory Reform

To Whom it May Concern:

Attached are comments submitted on behalf of Deere & Company in response to the Bush administration's government-wide review of regulations covering U.S. manufacturers. Deere & Company is the world's leading producer of equipment for agriculture and forestry, a major manufacturer of equipment used in construction and lawn, grounds and turf care, and engines used in heavy equipment. Additionally, through company subsidiaries, Deere provides financial services and other related activities that support the core businesses.

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Deere & Company appreciates this opportunity to provide comments.

Please contact me if you have any questions about this.

Regards,

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REGULATORY REFORM RECOMMENDATIONS

	Regulatory Issue	Financial Case	Benefit of Reform
1	Enact a Federal Audit Privilege Law containing provisions for both immunity and privilege.		This would provide an incentive for the regulated community to perform more self-auditing and achieve a higher level of compliance without the fear of fines and adverse publicity.
2	Eliminate the Potential to Emit (PTE) test as a regulatory applicability criterion.		This concept is fundamentally unfair as it forces sources with realworld maximum emissions potential below the statutory threshold to comply with the burdensome requirements designed for "major" sources. Consequently, it imposes enormous costs on U.S. businesses and makes them less competitive in the world economy.
3	Privatize governmental regulatory activities, when possible.		Due to the motivating influence of competition, private businesses can typically do most things far more efficiently and at lower cost than government bureaucracies, which have no impetus to improve their performance.
4	Avoid excessiveness and duplication of EPA oversight with states.	Save costs by having one agency, rather than two, review permits and make regulatory decisions.	By eliminating the involvement of dual agencies, there is a potential for regulatory decisions to be made more quickly without the risk of second-guessing. This should provide business with faster permitting and regulatory decisions and increase the competitiveness of U.S. businesses.
5	Use a common company identification number across all media.		Less confusion about the identity of facilities during their involvement with regulatory programs.
6	Allow Permit-by-Rule for all permitting programs. The applicant would provide notice that it intends to be covered by permit-by-rule, and certification that it meets the criteria.	This would save both time and money for the regulated community and regulators.	The use of permits-by-rule has the potential to significantly reduce the workload on both regulatory agencies and the regulated community.

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7	Expand general permits in all permitting programs, e.g., 1) General permit for discharges associated with boiler water blowdown. 2) General air permit for smaller gas-fired boilers with provisions to ensure that PSD would be avoided.	This would save both time and money for the regulated community and regulators.	The use of general permits has the potential to significantly reduce the workload on both regulatory agencies and the regulated community.
8	Require that MSDS's be prepared in a consistent format by chemical suppliers throughout the U.S.		A consistent format would allow the regulated community to find information on MSDSs more quickly, and therefore save time and money.
9	Subject regulations for all media to 2 simple tests: 1) Does it do anything to protect human health and the environment? or 2) Is it redundant? If it fails either, you eliminate it to reduce the burden on regulated entities.		Eliminate regulations that do nothing to protect human health and the environment but only serve to create busywork for the regulated community and regulators. Such regulations create an economic disadvantage for U.S. businesses.
10	Eliminate the "F-listing" RCRA hazardous waste criteria. Require analytical testing for determining whether or not a waste is hazardous.		The presumption of hazard posed by the "F"-listing scheme creates an unnecessary burden on U.S. industry. Eliminating the F-listing category and requiring that the hazardous/nonhazardous determination for such wastes be base on analysis, would remove the need for costly, burdensome delisting petitions to demonstrate that a waste is nonhazardous.
11	Increase the duration of NPDES and Title V permits to 10 years, instead of 5 years.		Reduce the time and resource requirements for re-permitting for both regulators and the regulated community.

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12	Eliminate the requirement in the General Conditions section of many permits that says if you do additional monitoring, you have to report it.		Analytical data is useful for process control and detecting pending upsets. Yet, the requirement for the regulated community to submit all monitoring data in addition to parameters listed in their permit has a chilling effect on the regulated community and creates a disincentive to generating extra data for better process control.
13	In reference to the RCRA Large Quantity Generator Accumulation Area requirement for container management: raise the inspection frequency from weekly to monthly.		More than twenty years of experience with this requirement has demonstrated that the risk to the environment from the untimely discovery of a release from a well engineered Large Quantity Generator Accumulation Area was overestimated. A relaxation of the frequency of inspection to monthly would not result in a significant increase in the risk to human health and the environment from a release that was not discovered in a timely manner.
14	Change the submittal frequency of the SARA 313 report from annual to biennial		The SARA 313 report is largely used to "shame" the regulated community into reducing their environmental releases by publicizing the data. This objective will be accomplished regardless of whether the report is submitted annually or biennially.
15	Establish a federal prohibition against the use of environmental fees collected by the states for anything but the intended environmental program. That is, the fees should not go into the General Revenue Fund.		Cost savings for the regulated community.
16	Eliminate state-only regulations, or at a minimum harmonize federal and state regulations.		Dual sets of regulations lead to confusion and an increased risk of non compliance.

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17	Reduce the command and control focus of regulations by shifting to proactive pollution prevention by emphasizing improvements in process and management.		Substitute command and control requirements with an incentive for businesses to establish formal pollution prevention programs which will lead to the more efficient and complete use of production chemicals and result in cost savings for the regulated community.
18	Revise regulations associated with asbestos control and provide common guidance for implementing agencies.		Asbestos associated regulations overlap between OSHA and EPA and are not well coordinated. Modifying the literal interpretation requiring advance notification of demolition for any load supporting member even though there is no asbestos present would result in savings for both the regulatory agencies and the regulated community.
19	Develop all new regulations in conjunction with affected business and industry coalitions.		SPCC regulations serves as a good example of regulations promulgated without general consensus resulting in legal challenges as well as laborious and extended negotiations with affected coalitions. Achieving general consensus or at least a thorough understanding of the issues would result in savings for both the regulatory agencies and the regulated community.