

Dear Members of Congress:

On behalf of the multi-sector membership of the Western Business Roundtable, I am writing to urge your support for a group of pro-energy bills being considered on the House Floor this week.

The package before you now is just the latest in a series of important measures the House has advanced during the 112<sup>th</sup> Congress to remove significant regulatory impediments which currently hamper U.S. energy independence. It includes a number of bills which would help undo the uncertainty and economic upheaval caused by the Administration's "War on Coal."

The Roundtable holds, as among its core tenets, strong support of a robust domestic energy policy. We advocate on behalf of federal policies which encourage access to, and responsible use of, the full range of our nation's vast energy resources.

Among our most plentiful domestic energy resources, coal is a linchpin source within the U.S. energy supply portfolio and a key component of any successful "all of the above" domestic energy policy. It generates much of the electricity used in this country. However, also important to the West are its economic attributes. Coal mining provides high paying jobs for local economies, as well as federal, state and local taxes to support government services and infrastructure development. The coal sector is also critically important to the electricity production, manufacturing, transportation sectors and those service industries related to mining.

We are particularly supportive of these elements of the energy package under consideration:

- **Transparency in Regulatory Analysis of Impacts on the Nation Act of 2011 (H.R. 2401):**

Over the past nearly four years, the EPA has been on a regulatory tear. It has and continues to promulgate rules at a dizzying rate. As Congressional oversight has brought to light, these actions are being launched with shockingly little consideration of their costs to the nation's fragile economy.

H.R. 2401 would establish an interagency committee tasked with doing analysis of regulations that impact energy and manufacturing in the U.S. The committee's analyses would include the impacts of covered rules and actions with regard to: U.S. competitiveness, including energy intensive and trade sensitive industries; other cumulative cost and cumulative benefit impacts; changes in electricity and fuel prices;

impact on national, regional and state-level employment both in the short- and long-term; and reliability and adequacy of bulk power supply.

- **Energy Tax Prevention Act of 2011 (H.R. 910):**

Would prevent the EPA from regulating greenhouse gas emissions (GHG) under the Clean Air Act (CAA). The language would block the agency's attempt to extend an unprecedented level of control over vast sectors of the U.S. economy through unilateral regulation of GHGs. We strongly support Congressional efforts to constrain EPA's regulatory over-reach in this area.

- **Clean Water Cooperative Federalism Act of 2011 (H.R. 2018):**

Would reaffirm the decades-old state-federal relationship set out in the Clean Water Act (CWA) by addressing the EPA's ongoing regulatory overreach. H.R. 2018 has important job creation, economic security and federalism implications. Over the years, EPA has systematically eroded and usurped states' authority under the CWA, questioned the expertise and integrity of state regulatory officials and asserted its control as the sole arbiter of evolving CWA permitting requirements and standards.

- **Coal Residuals Reuse and Management Act (H.R. 2273):**

EPA has indicated its intent to issue new federal rules regulating management of coal combustion residuals ("CCRs") (also referred to as "coal combustion byproducts" or "coal ash"). One of the alternatives being put forward by EPA is a proposal to regulate such products as a special waste under the hazardous waste provisions of Subtitle C of the Resource Conservation and Recovery Act ("RCRA"). We strongly oppose such a designation.

Broadly characterizing CCRs as "hazardous wastes" is misleading and counter-productive. Such a designation would have far-reaching and negative impacts on the U.S. economy, including severely hampering the energy production and electricity generation sectors' -- including a number of Roundtable members' -- abilities to meet our nation's energy needs.

- **Coal Miner Employment and Domestic Energy Infrastructure Protection Act (H.R. 3409):**

Would prohibit the Interior Department's Office of Surface Mining (OSM) from issuing new regulations under the Surface Mining Control and Reclamation Act (SMCRA).

The Roundtable supported OSM's objective in promulgating its 2008 Stream Buffer Zone (SBZ) rule: clarification of the increasingly confusing and redundant OSM regulatory regime that previously governed these activities. We believe that the SBZ rule

has generally achieved its objectives of comports OSM's regulations with SMCRA and the supporting body of court decisions. Thus, we were perplexed by the Obama OSM's 2010 decision revise the new SBZ rule.

There has been no evidence presented that the regulations, as refined by the 2008 rule, are inconsistent with SMCRA or other applicable laws. Nor has OSM demonstrated that the current regulations have failed in their objective to assure environmentally sound surface coal mining operations. We fear that the revision alternatives OSM is now considering will reintroduce the confusion, expense and regulatory uncertainty that the OSM worked so hard to alleviate in the 2008 rule.

All of the above bills are important to the coal industry. However, it bears repeating: they would also positively impact a variety of other Western economic sectors, including the power production, manufacturing, mining, transportation and related industries.

Please give them your support.



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Western Business Roundtable

*The Roundtable is a broad-based coalition of companies doing business in the Western United States. Our membership is comprised of a coalition of corporations and organizations representing a broad cross-section of Western business including, among others: manufacturing; mining; electric power generation, transmission and distribution; energy infrastructure development; energy supply exploration/development and transportation; energy services; and environmental engineering.*

*We work to defend the interests of the West and support policies that encourage economic growth and opportunity, freedom of enterprise and a sound approach to conservation and environmental stewardship.*