



August 7, 2015

U.S. Environmental Protection Agency
 Attention: Docket ID No. EPA-R06-OAR-2015-0189
 Mr. Guy Donaldson
 Chief Air Planning Section (6PD-L)
 1445 Ross Avenue, Suite 1200
 Dallas, TX 75202-2733

Re: Approval and Promulgation of Implementation Plans; Arkansas; Regional Haze and Interstate Visibility Transport Federal Implementation Plan, Proposed Rule, Docket ID No. EPA-R06-OAR-2015-0189, FRL-9924-85-Region-6

Dear Mr. Donaldson:

The American Chemistry Council, American Coke and Coal Chemicals Institute, American Farm Bureau Federation, American Forest & Paper Association, American Iron and Steel Institute, American Petroleum Institute, American Public Power Association, American Wood Council, Arkansas Asphalt Pavement Association, Arkansas State Chamber of Commerce, Arkansas Environmental Federation, Arkansas Farm Bureau, Arkansas Forest & Paper Council, Arkansas Ready Mixed Concrete Association, Associated Industries of Arkansas, Inc., Brick Industry Association, Corn Refiners Association, Council of Industrial Boiler Owners, Electricity Consumers Resources Council, Gas Processors Association, Industrial Energy Consumers of America, National Association of Manufacturers, National Mining Association, National Oilseed Processors 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 approval of the Arkansas regional haze federal implementation plan (“proposed rule”).

INTRODUCTION

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. The Associations’ members include electric utilities, manufacturers and energy developers that own or operate facilities directly impacted, or could be directly impacted, by the Regional Haze program. In addition to generating electricity, many member companies require reliable and affordable electricity for manufacturing and industry. The Associations are key and necessary stakeholders in any regulation that directly impacts energy providers and which may impact manufacturers directly or indirectly in the future.

As discussed in more detail below, the Associations urge EPA to withdraw and modify the proposed rulemaking due to numerous deficiencies within it. These deficiencies began with the disapproval of Arkansas’ proposed state implementation plan. The Associations believe that EPA is failing to provide the deference due to states that Congress intended when it passed the Regional Haze statute. This has resulted in too many instances where EPA disapproves reasonable state policy determinations and imposes its own policy preferences through a federal implementation plan. Key among these flawed policy preferences are EPA’s imposition of costly pollution controls at Independence Steam Electric Station (“Independence plant”), a source not eligible for Best Available Retrofit Technology (“BART”) review under the Clean Air Act, without any rational basis, and multiple errors in the White Bluff Electric Power Plant BART analysis. Beyond these specific issues, what most concerns the Associations is that the proposed rule evinces a tendency by EPA to deviate from the Clean Air Act, its own regulations, and guidance to require exorbitant pollution controls that would achieve, at most, negligible visibility benefits. The Clean Air Act’s Regional Haze program envisions gradual improvements to Class I area visibility over long periods of time and through cost-effective means. Contrary to EPA’s rationale in the proposed rulemaking, it is not a vehicle to further accelerate the retirement of coal-fired power plants. Lastly, the Associations object to EPA justifying additional emission control measures on modeled visibility improvements that are less than CALPUFF’s margin of error. To do so means that EPA has no credible evidence showing that visibility improvements would be greater than zero. Such justifications have already been struck down by the U.S. Court of Appeals for the Ninth Circuit and the Associations object to EPA ignoring that court’s determination in deciding whether additional emission reductions at stationary sources would provide any visibility improvements at Class I areas.

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

The Regional Haze Program and EPA's Treatment of State Implementation Plans

In recognition of diminished visibility at national parks and other scenic areas, Congress enacted the Clean Air Act's regional haze provisions with a long-term goal of improving the state of visibility. Regional haze is the "impairment of visual range or coloration caused by emissions of air pollution produced by numerous sources and activities, located across a broad regional area." 77 Fed. Reg. 30,248, 30,249 (May 22, 2012). Congress first adopted regional haze provisions in 1977 to address haze issues in national parks and other federal "Class I areas" by adding Section 169A to the Clean Air Act. *See* 42 U.S.C. § 7491.

At the same time, however, Congress realized such changes could not be fully realized rapidly and adopted an approach by which States would make incremental improvements over time. Section 169A requires EPA to "promulgate regulations to assure ... reasonable progress toward meeting the national goal" of visibility. 42 U.S.C. § 7491(a)(4). EPA has established three primary components for a State's regional haze implementation plan: (1) reasonable progress goals ("RPGs") for Class I areas in the State; (2) a long-term strategy; and (3) implementation of BART for certain stationary sources. Through this program, each state charts a "Glidepath" towards natural visibility at the Class I areas within their borders by 2064. States then are provided significant flexibility in crafting the emission reductions necessary for meeting that Glidepath by assessing reasonable progress goals at regular planning period intervals. Reasonable progress goals are therefore "interim goals that represent incremental visibility improvement over time." EPA, *Guidance for Setting Reasonable Progress Goals Under the Regional Haze Program* (June 1, 2007) ("RPG Guidance") at 1-2.

Due to the array of options to meet these goals, and the co-benefits of reducing visibility impairments through other Clean Air Act programs, Congress intended states to have extraordinary flexibility in determining how they meet reasonable progress goals. *See North Dakota v. EPA*, 730 F.3d 750, 768 (8th Cir. 2013) (the Regional Haze program "requires only that a state establish reasonable progress, not the most reasonable progress."). Reasonable progress goals for Class I areas are based on 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). States are not obliged to reduce emissions from any type of source in particular and EPA acknowledges that states may not need *any* additional emission reductions for some planning periods. *See* EPA, *Additional Regional Haze Questions*, at 9 (Sept. 26, 2009) ("Reasonable progress is not required to be demonstrated on a source-by-source basis."); RPG Guidance at 4-1 ("Given the significant emissions reductions that we anticipate to result from BART" and other Clean Air Act programs "it may be all that is necessary to achieve reasonable progress in the first planning period for some States."). Through the state's consideration of these factors, each Class I area need only make incremental progress through reasonable, cost-effective means.

Perhaps more than any other program under the Clean Air Act, the Regional Haze program provides states with the leading role in exercising their discretion regarding how they meet reasonable progress goals for the Class I areas within their borders. Despite Congress' intention for states to have primary responsibility in implementing the program within their borders, EPA arbitrarily disapproved Arkansas' Regional Haze State Implementation Plan in 2012, 77 Fed. Reg. 14,604 (Mar. 12, 2012), and issued the proposed rule as a federal regional haze implemental plan in its place.

Beyond the strict violations of the Clean Air Act in EPA's approach described below, the Associations are concerned this is a further instance in a disturbing trend of EPA disregarding the considerable discretion Congress assigned to states in the Clean Air Act and inappropriately substituting its own judgment in areas that are local in nature, state-specific, and incredibly complex. EPA justifies many of these disapprovals by amorphous demands for "additional analysis," disagreements over modeling details, minor divergences in cost considerations, or simply EPA's opinion that it believes states should have done more than what the Regional Haze program requires. This is not only inconsistent with the specific Clean Air Act provisions, but violates the prominent role Congress assigned to states in the system of cooperative federalism throughout the Act.

Ultimately, states are in the best position to make these determinations, as Congress recognized. Each state invests significant time and resources working with its neighboring states to understand out-of-state influences on visibility impairment and managing its own federal and state programs to enact a careful balancing act. This balancing act carefully considers the expected emission reductions from existing programs, emission reductions through BART, and several other emission reduction options to find the most efficient and affordable means of meeting federal requirements. As EPA has recognized, at least at the outset of the Regional Haze program, Congress intended to "provide States considerable discretion in establishing reasonable progress goals for improving visibility in Class I areas." EPA, *Response to Petition for Reconsideration of Regional Haze Rule 11* (Jan. 10, 2001); RPG Guidance at 4-2 (states have "wide latitude to determine additional control requirements"); *id.* at 5-1 (states "have flexibility in how to take into consideration these statutory factors and any other factors that you have determined to be relevant"). EPA has acknowledged that, so long as states consider the statutory factors required by the Regional Haze program and "provide a reasoned basis for their decision, EPA will defer to the state" with respect to reasonable progress determinations. 77 Fed. Reg. 40,150, 40,156 (July 6, 2012). Yet, as is becoming increasingly common and problematic, EPA is ignoring this deference under the Regional Haze program.

Fulfilling the role intended by Congress, states have a successful and demonstrated track record in creating the real-world, measured visibility improvements Congress envisioned under the Regional Haze program. It is increasingly troubling that EPA appears eager to disapprove state implementation plans in order to substitute its own judgment on matters affecting not just

technical details, but state regulatory and economic concerns. EPA's intrusion into these areas has frequently led to costly and unnecessary burdens on state industries while failing to deliver any demonstrable visibility improvements to Class I areas over what states would have achieved. In most instances, EPA's stated rationale for imposing millions (or billions) of dollars in additional costs yield visibility improvements that cannot be perceived by the human eye. EPA's pattern of second-guessing the reasoned decisions of expert state agencies is not only economically wasteful, but it contravenes the state primacy that is the Regional Haze program's core characteristic.

For these reasons, the Associations urge EPA to reset its approach to Regional Haze and respect the primacy role that Congress assigned to the states in determining the best path of reasonable progress taking into account unique local circumstances to realize visibility improvements. EPA has failed to demonstrate any rational grounds to supplant its own judgment for Arkansas' and, as described below, lacks the legal authority to impose the proposed controls here.

EPA Proposes to Unlawfully Impose BART Controls on a Non-Eligible Source

The Associations have serious concerns about EPA's overall approach to the regional haze program in Arkansas and the potential impacts to all of the sources identified in EPA's proposal. One example of these concerns is EPA's imposition of expensive and unnecessary BART controls on the Independence plant, which is arbitrary and capricious. In the proposed rulemaking, EPA concedes that the Independence plant is not eligible under the BART program. 80 Fed. Reg. 18,944, 18,991 (Apr. 8, 2015). It further admits that Arkansas' two Class I areas, as well as those Class I areas that are "most significantly impacted by Arkansas sources" would meet the Uniform Rate of Progress established for each Class I area. *Id.* at 18,992. Indeed, Arkansas' five year review report, using the most recent data, show that even without additional stationary source emission controls visibility impairments on the 20% worst days at Arkansas' two Class I areas are decreasing more rapidly than the Glide Path and the RPG. Arkansas Dep't of Env't'l Quality, State Implementation Plan Review for the Five-Year Regional Haze Progress Report (Revised May 2015) at 55-58. Nevertheless, EPA discards its key concessions, and ignores Arkansas' data on reasonable progress, in favor of seeking costly controls on the Independence plant without any demonstration that additional emission reductions are necessary to meet the Class I areas' reasonable progress goals.

Under the Regional Haze program, states establish reasonable progress goals for reducing visibility impairments by a certain amount of deciviews at Class I areas during each planning period. 40 C.F.R. § 51.308(d)(1). These reasonable progress goals are established through an implementation plan. *Id.* § 51.308(d). In determining how to meet these reasonable progress goals, the state must consider projected emission reductions anticipated from existing Clean Air Act programs as well as through BART. RPG Guidance at 4-1. BART is a pollution control evaluation scheme that only applies to "BART-eligible" emission sources, meaning those "in

existence” on August 7, 1977 and which began operation after August 7, 1962. 42 U.S.C. § 7491(b)(2)(A). Facilities constructed after August 7, 1977 are *not* subject to BART.

Emission reductions through BART and other Clean Air Act programs may be all that is necessary for states to meet their reasonable progress goals and they need do nothing further. RPG Guidance at 4-1. *If*, however, states require additional emission reductions to meet Class I reasonable progress goals, *then* they may implement “additional measures that are reasonable” based on a four-part analysis. *Id.* at 4-2. This may be done where it is *necessary* for Class I areas to achieve their reasonable progress goals. *See* 42 U.S.C. § 7491(b)(2) (implementation plans must “contain such emission limits ... as may be *necessary* to make reasonable progress”) (emphasis added); RPG Guidance at 4-1 (“Given the significant emissions reductions that we anticipate to result from BART” and other Clean Air Act programs “it may be all that is necessary to achieve reasonable progress in the first planning period for some States.”).

A key flaw of the proposed rulemaking is EPA’s disregard of the *if ... then* decision structure established by its own guidance. EPA freely admits that, after considering emission reductions from BART-eligible sources and other Clean Air Act programs, “Arkansas Class I areas and those outside of Arkansas most significantly impacted by Arkansas sources are projected to meet the [Uniform Rate of Progress] for the first planning period.” 80 Fed. Reg. at 18,992. Under EPA’s RPG Guidance, this should mark the end of EPA’s RPG analysis. However, despite its own guidance, the proposed rule continued on to impose unnecessary, costly, and unauthorized controls on the Independence plant – a BART-*ineligible* source – on the grounds that it is somehow reasonable to do so.

EPA’s explanation of “reasonableness,” however, has nothing to do with meeting Class I reasonable progress goals, the critical *if-then* scenario that allows for additional emission reduction measures. According to EPA, it has *carte blanche* discretion to impose controls on any facility for any grounds that it considers to be reasonable. Here, the entirety of EPA’s “reasonableness” explanation appears to be that the Independence plant is a relatively large source of emissions and that controls at the Independence plant would cost the same as at the White Bluff units. *Id.* at 18,991. These considerations of “reasonableness” are completely unmoored from any discussion of achieving reasonable progress goals at either of the Arkansas Class I areas for this planning period. Where Class I areas are projected to meet their reasonable progress goals, nothing in the Clean Air Act authorizes EPA (or a state in the case of a state implementation plan) to impose new control requirements. This prohibits EPA from going further in search of additional emission reductions. *See Motion Picture Ass’n of Amer., Inc. v. FCC*, 309 F.3d 796, 804-805 (D.C. Cir. 2002) (federal agency power is limited by statutory authorization); *Ethyl Corp. v. EPA*, 51 F.3d 1053, 1060 (D.C. Cir. 1995) (courts will not presume a delegation of power where statute is silent on the issue); *Aid Ass’n for Lutherans v. U.S. Postal Service*, 321 F.3d 1166, 1175-1178 (D.C. Cir. 2003) (striking down postal regulations related to the mailing of insurance offers because the “Postal Service ha[d] no congressionally delegated

authority to exclude” certain types of mailings). The Clean Air Act simply does not give EPA or states the authority to impose emission reductions without linking those reductions to the necessity of meeting RPGs.

Even if EPA had some free-floating authority to dictate new controls, it has previously determined that, where mandatory programs (including BART) allow a state to meet reasonable progress goals during the first planning period, it is “reasonable” to determine that no further emission reductions are required. In rebuffing comments by environmental groups demanding that the State of Nevada impose additional emission reductions even though the Jarbidge Wilderness Area was slated to meet its reasonable progress goals, EPA stated:

The [Regional Haze Rules] and EPA’s guidance affords the State considerable flexibility in determining whether additional emission reduction measures are needed to achieve the [Reasonable Progress Goal] in the first planning period. [Nevada] reasonably concluded that the cost of additional controls was not warranted given projected emissions reductions from anthropogenic sources and the fact that the majority of haze at Jarbidge is from natural and out-of-state sources.

77 Fed. Reg. 17,334, 17337 (Mar. 26, 2012). This approach, whereby a state or EPA only imposes reasonable additional controls when “needed” to meet reasonable progress goals, is amply supported by the Clean Air Act and EPA’s Regional Haze guidance. *See* 42 U.S.C. § 7491(b)(2) (implementation plans must “contain such emission limits ... as may be *necessary* to make reasonable progress”) (emphasis added); RPG Guidance at 4-1 (“Given the significant emissions reductions that we anticipate to result from BART” and other Clean Air Act programs “it may be all that is necessary to achieve reasonable progress in the first planning period for some States.”).

For Nevada, EPA found that it was imminently reasonable to forego additional, expensive pollution controls when the reasonable progress goals for a Class I area were already being met. For Arkansas, however, EPA has completely reversed its prior position without any coherent explanation. EPA may not reverse its prior policy positions without providing some reasoned explanation for that reversal. *See, e.g., Dillman v. NTSB*, 588 F.3d 1085, 1089-90 (D.C. Cir. 2009); *California ex rel. Lockyer v. U.S. Dep’t of Agric.*, 459 F. Supp. 874, 904 (N.D. Cal. 2006), *aff’d*, 575 F.3d 999 (9th Cir. 2009) (requiring “new evidence that would lead to a different conclusion”). Instead of adhering to its rationale in Nevada, or explaining why it is changing its position, EPA “focuses on the” non-BART eligible Independence plant for no reason other than it is a relatively large source of emissions. *Id.* at 18,991-992. It does so “even though Arkansas Class I areas and those outside of Arkansas most significantly impacted by Arkansas sources are projected to meet the [Uniform Rate of Progress] for the first planning period.” *Id.* at 18,992. Given EPA’s prior position in Nevada, its concession that the Arkansas

Class I areas will meet their reasonable progress goals should end the inquiry absent some significant concerns about the state being able to meet the Uniform Rate of Progress in future planning periods. With respect to the first planning period, imposing new pollution controls on the Independence plant serves no purpose whatsoever.

Allowing EPA to impose tens of millions of dollars of controls on BART-ineligible sources like the Independence plant, based only on what it claims is “reasonable,” is not only economically wasteful but effectively re-writes the definition of what sources are BART eligible. Under the Regional Haze program, BART controls may be imposed on (1) major stationary sources in 26 listed categories, (2) that existed on August 7, 1977, (3) but were not in operation prior to August 7, 1962, and (4) emit air pollutants “which may reasonably be anticipated to cause or contribute to any impairment of visibility” at Class I areas. 42 U.S.C. § 7491(b)(2)(A); 40 C.F.R. § 51.301. Under the proposed rule, the first three of these statutory and regulatory criteria would be rendered a nullity. According to EPA, it may impose BART controls on any facility (major or minor), regardless of when it was built or when it began operating, so long as EPA determines it to be “reasonable.” *See* 80 Fed. Reg. at 18,992 (“it would be unreasonable to ignore a source representing more than a third of the State’s SO₂ emissions and a significant portion of NO_x point source emissions.”). As implemented in the proposed rule, EPA has effectively adopted a *presumption* that at least some BART-ineligible sources should be subject to BART unless those pollution controls are cost prohibitive.² Such a presumption effectively ignores the operative statute and re-writes EPA’s own regulations.

Further, EPA adopts this presumption without first finding it necessary to impose additional emission reductions to meet Class I reasonable progress goals. This necessity determination – finding additional emission reductions to meet reasonable progress goal – anchors the “reasonableness” inquiry in the RPG Guidance. EPA claims that imposing tens of millions of dollars in new controls at the Independence plant is “reasonable,” but declines to justify the need to do so. If no further emission reductions are needed to meet Class I reasonable progress goals, then EPA’s “reasonableness” inquiry becomes a free-floating vehicle for EPA to issue pollution control edicts without any goal to accomplish. Imposing BART controls on the Independence plant without the need to meet Class I reasonable progress goals contravenes the

² The Independence plant was apparently singled out by EPA for additional pollution controls while other BART-ineligible emission sources were not. Although the Associations do not believe there were legal or policy justifications for *any* BART-ineligible source to require additional pollution controls, EPA does not provide any explanation for its selective treatment in this case other than the Independence plant being among the top three largest sources in the state. For states attempting to gain EPA’s approval of their own implementation plan, EPA provides no criteria as to how it expects them to treat BART-ineligible sources in the future, or what prevents States from imposing new emission controls on *all* BART-ineligible sources. This is the very definition of arbitrary and capricious decision making.

Clean Air Act, EPA's Regional Haze regulations, EPA's RPG Guidance and is arbitrary and capricious.

EPA Improperly Uses CALPUFF to Justify Emission Reduction Measures

In at least two instances, the proposed Arkansas federal implementation plan FIP imposes emission reduction measures through BART on the grounds that CALPUFF modeling showed that those measures would reduce visibility impairments, yet those improvements are within CALPUFF's margin of error. This means that EPA has no credible demonstration that there would be *any* visibility improvements attributable to those determinations.

BART requires that states (or EPA in the case of a federal implementation plan) consider "the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology." 42 U.S.C. § 7491(g)(2). The Ninth Circuit, in *National Parks Conservation Association v. EPA*, Case No. 12-73710, 2015 WL 3559149 at *8 (9th Cir. June 9, 2015), held that an estimated visibility improvement of 0.085 deciviews was less than CALPUFF's margin of error, and thus, EPA had no basis to believe that BART controls in that case could "reasonably be anticipated" to improve visibility. In the proposed rule, EPA imposes emission reduction requirements under BART in situations where CALPUFF predicted very small visibility improvements without completing any site specific analyses to determine if these visibility improvements are within the margin of error. For example, EPA would require the installation of low NO_x burners and overfire air at Flint Creek Unit 1 even though the *highest* modeled visibility improvement was 0.081 dv. Based on the site specific analysis that was completed for Montana in the Ninth Circuit decision for *National Parks and Conservation Association*, this very small visibility improvement may be less than the margin of error. EPA needs to justify that the small visibility improvement is "reasonably anticipated". The Clean Air Act does not require visibility improvements that cannot be reasonable anticipated. Visibility improvements that are less than the margin of error are not "reasonably anticipated" and found to be invalid by the Ninth Circuit in *National Parks Conservation Association*. 80 Fed. Reg. at 18,968. Visibility improvements at other Class I areas were a fraction of this: 0.026 deciviews at Upper Buffalo, 0.024 deciviews at Hercules-Glades, and 0.014 deciviews at Mingo.

Further, EPA's own guidelines establish that a threshold of 1.0 deciviews for when a stationary source "causes" visibility impairments at a Class I area and 0.5 deciview threshold of when a stationary source "contributes" to visibility impairments. 70 Fed. Reg. 39,161 (July 6, 2005). In other words, EPA is imposing costly emission reduction requirements on sources that, even if their emissions were much higher, would not even rise to the level of "contributing to" visibility impairments at the Arkansas Class I areas. EPA cannot rationally hold that emission reductions at these stationary sources would be "reasonably anticipated" to improve visibility at Class I areas when EPA's own modeling shows that they do not even contribute to visibility impairments.

Sensing that infinitesimal visibility improvements (tiny fractions of what the human eye may perceive) cannot justify the imposition of new emission controls, EPA adds these supposed improvements through a “Cumulative Visibility Improvement” metric. In this case, the purported visibility improvements are 0.145 deciviews – just over 1/10th of what a person may perceive. Justifying emission reductions on *cumulative* visibility improvements is arbitrary and capricious, even if the modeled visibility improvements could be believed. In this case, however, where each constituent modeled visibility improvement is below CALPUFF’s margin of error, EPA can have no confidence that visibility will improve at any individual Class I area through new reduction measures. By adding modeled visibility improvements that should individually be treated as zero, EPA arbitrarily attempts to create something out of nothing (and even here the “something” is far below human perception). EPA should abide by the Ninth Circuit’s decision and avoid basing BART determinations on modeled visibility improvements that are within the margin of error. This includes its attempt in this case to avoid the decision’s holding by adding low confidence modeling results in order to artificially exaggerate the impact of emission reduction measures.

CONCLUSION

For the reasons stated above, EPA’s proposal to issue a Regional Haze Federal Implementation Plan for Arkansas is unlawful, arbitrary, and capricious. The Associations urge EPA to withdraw the proposed rule and propose a new rule that is consistent with the Clean Air Act and EPA’s Regional Haze regulations.

The undersigned Associations appreciate the opportunity to comment on this proposal.

American Chemistry Council

**American Coke and Coal Chemicals
Institute**

American Farm Bureau Federation

American Forest & Paper Association

American Iron and Steel Institute

American Petroleum Institute

American Public Power Association

American Wood Council

Arkansas Asphalt Pavement Association

Arkansas State Chamber of Commerce

Arkansas Environmental Federation

Arkansas Farm Bureau

Arkansas Forest and Paper Council

**Arkansas Ready Mixed Concrete
Association**

Associated Industries of Arkansas, Inc.

Brick Industry Association

Corn Refiners Association

Council of Industrial Boiler Owners

Electricity Consumers Resource Council

Gas Processors Association

Industrial Energy Consumers of America

National Association of Manufacturers

National Mining Association

National Oilseed Processors Association

U.S. Chamber of Commerce

Appendix A

The **American Chemistry Council** (“ACC”) represents the leading companies engaged in the business of chemistry. ACC members apply the science of chemistry to make innovative products and services that make people's lives better, healthier and safer. ACC is committed to improved environmental, health and safety performance through Responsible Care®, common sense advocacy designed to address major public policy issues, and health and environmental research and product testing. The business of chemistry is a \$770 billion enterprise and a key element of the nation's economy.

The **American Coke and Coal Chemicals Institute** (“ACCCI”), which was founded in 1944, is the international trade association that represents 100% of the U.S. producers of metallurgical coke used for iron and steelmaking, and 100% of the nation’s producers of coal chemicals, who combined have operations in 12 states. It also represents chemical processors, metallurgical coal producers, coal and coke sales agents, and suppliers of equipment, goods and services to the industry.

The **American Farm Bureau Federation** is the nation’s largest general farm organization, representing agricultural producers in all 50 states and Puerto Rico growing commodities in virtually all sectors of agriculture.

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 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 625 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.

The **American Public Power Association** (“APPA”) is the national service organization for the more than 2,000 not-for-profit, community-owned electric utilities in the U.S. Collectively, these utilities serve more than 48 million Americans in 49 states (all but Hawaii).

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 members of the **Arkansas Asphalt Pavement Association** are committed to supporting member companies in providing quality asphalt research and design and improving communication with the public and peer groups. A part of our mission includes being a liaison with government agencies to guide the development and implementation of applicable environmental regulations. Warm mix asphalt technology, the extensive use of recycled asphalt pavement and the use of reclaimed asphalt shingles demonstrates our industries commitment to environmental stewardship.

The **Arkansas Farm Bureau** is a nonprofit, private advocacy organization of more than 190,000 families throughout the state working to improve farm and rural life.

The **Arkansas State Chamber of Commerce** and the **Associated Industries of Arkansas, Inc.** represent over 1200 member businesses, industries, institutions, business associations, local economic developers and local chambers of commerce in Arkansas. Our members are located in all Arkansas counties and include businesses of all sizes and purpose. The AR State Chamber/AIA is the leading advocate for business before state and federal government where we continually seek to create and maintain a thriving business climate.

The **Arkansas Environmental Federation** is a non-profit association based in Little Rock, Arkansas. Our mission is to serve as the voice for industry on environmental issues in Arkansas, educate industry about proposed and final legislation and regulations concerning environmental matters and promote cooperation among industries, conservation associations, municipalities and government agencies.

The **Arkansas Forest & Paper Council** (“AFPC”) is a state trade association of the pulp, paper and wood products manufacturers focused on advocacy on behalf of its member companies. Arkansas’s forest manufacturing sector is responsible for more than 65,000 jobs in the state and \$4.8 billion in GSP in 2010. The paper sector alone is responsible for more than 28,000 jobs and \$2.6 billion in GSP. The paper sector and total forest manufacturing economy pays \$232 and \$406 million annual in state and local taxes.

The **Arkansas Ready Mixed Concrete Association** (“ARMCA”) is a non-profit trade association whose mission is to promote the use of concrete and provide education, information and assistance in producing a quality product.

The **Brick Industry Association** (“BIA”), founded in 1934, is the recognized national authority on clay brick manufacturing and construction, representing approximately 250

manufacturers, distributors, and suppliers that historically provide jobs for 200,000 Americans in 45 states.

The **Corn Refiners Association** (“CRA”) is the national association representing the U.S. corn refining (wet milling) industry. CRA and its predecessors have served this important segment of American agribusiness since 1913. Corn refiners manufacture sweeteners, ethanol, starch, bioproducts, corn oil, and feed products from corn components such as starch, oil, protein, and fiber.

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 **Gas Processors Association** (“GPA”) has served the U.S. energy industry since 1921 as an incorporated non-profit trade association. GPA is composed of 130 corporate members of all sizes that are engaged in the gathering and processing of natural gas into merchantable pipeline gas, commonly referred to in the industry as "midstream activities." Such processing includes the removal of impurities from the raw gas stream produced at the wellhead, as well as the extraction for sale of natural gas liquid products (“NGLs”) such as ethane, propane, butane and natural gasoline. GPA members account for more than 90 percent of the NGLs produced in the United States from natural gas processing. Our members also operate hundreds of thousands of miles of domestic gas gathering lines and are involved with storing, transporting, and marketing natural gas and NGLs.

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 **Industrial Energy Consumers of America** (“IECA”) is a nonpartisan association of large energy intensive manufacturing companies with \$1.0 trillion in annual sales, over 2,900 facilities nationwide, and more than 1.4 million employees worldwide. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of

industries including: chemical, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, glass/ceramic, building products, independent oil refining, and cement.

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 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 **National Oilseed Processors Association** (“NOPA”) is a national trade association that represents 13 companies engaged in the production of vegetable meals and vegetable oils from oilseeds, including soybeans. NOPA’s member companies process more than 1.6 billion bushels of oilseeds annually at 63 plants in 19 states, including 57 plants which process soybeans.

The **U.S. Chamber of Commerce** (the “Chamber”) 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.