



June 18, 2013

The Honorable John Boehner
U.S. House of Representatives
Washington, DC 20515

Re: Support H.R. 2218 the Coal Residuals Reuse and Management Act of 2013

Dear Representative Boehner:

The Associated General Contractors of America (AGC) urges you to support H.R. 2218, the Coal Residuals Reuse and Management Act of 2013, offered by Representative David McKinley and a long list of bipartisan cosponsors. H.R. 2218 amends the Solid Waste Disposal Act to manage coal combustion residuals (e.g. fly ash) properly as a nonhazardous waste and in a way that protects human health and the environment, as well as facilitates the "beneficial use" of fly ash and other waste materials.

The U.S. Environmental Protection Agency (EPA) is working on the first-ever national rules related to the disposal and management of coal ash from coal-fired power plants. Coal combustion wastes include coal ash and fly ash, which are both widely used in construction applications. Although EPA has stated that its proposal would safeguard environmentally safe and desirable forms of recycling coal ash, known as beneficial uses, depending on EPA's new classification of the waste there may indeed be an impact resulting from the rule on construction. AGC is concerned about implications for the shipping and handling of the material as well as any increased potential liability related to beneficial use. Moreover, AGC is concerned that a new classification would create a stigma that could result in curtailing one of the most widely and successfully recycled products used in construction.

The construction industry's use of coal combustion wastes is a leading example of how industry can move towards a closed-loop cycle process, turning one industry's byproduct into another industry's raw material. This approach eases the strain on the nation's natural resources by reducing the requirements for obtaining new materials and alleviates already strained landfill accommodations. EPA estimates that substituting fly ash for a portion of the cement otherwise needed to produce concrete also helps the nation avoid 5 million tons of greenhouse gas emissions each year. In the case of fly ash, other benefits include an improvement in the performance of both concrete and hot-mix asphalt.

EPA regulation of coal combustion wastes as a hazardous material is unnecessary and would stigmatize its beneficial, safe, and long-standing use in construction. AGC urges you to support H.R. 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey D. Shoaf".

Jeffrey D. Shoaf
Senior Executive Director
Government Affairs