

The Honorable Mitch McConnell
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Paul Ryan
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Charles E. Schumer
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

The Honorable Thad Cochran
Chairman, Committee on Appropriations
United States Senate
Washington, DC 20510

The Honorable Rodney P. Frelinghuysen
Chairman, Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

The Honorable Patrick J. Leahy
Ranking Member, Committee on
Appropriations
United States Senate
Washington, DC 20510

The Honorable Nita M. Lowey
Ranking Member, Committee on
Appropriations
U.S. House of Representatives
Washington, DC 20515

RE: Appropriations Rider Pertaining to Alaskan “Small Remote Incinerators (SRIs)”

March [#], 2018

Dear Majority Leader McConnell, Minority Leader Schumer, Speaker Ryan, Minority Leader Pelosi, Chairman Cochran, Ranking Member Leahy, Chairman Frelinghuysen, and Ranking Member Lowey,

On behalf of our millions of members, we strongly oppose the inclusion of any anti-environment riders in the Fiscal Year 2018 Omnibus Appropriations bill. Including damaging legislative provisions in a massive must-pass funding bill harms our public health and environment, and it undermines the democratic process.

We have specific concerns with a rider in the Senate’s FY2018 Interior, Environment, and Related Appropriations bill that would damage important clean air protections established by EPA in 2011 for toxic pollution from commercial and industrial waste incinerators. These protections secure significant climate and health benefits, reducing 5,200 tons of sulfur dioxide, 5,500 tons of nitrogen oxide, 25,000 tons of carbon monoxide, 710 tons of direct particulate matter, 470 tons of hydrogen chloride, 4.1 tons of lead, 0.95 tons of cadmium, and 260 pounds of mercury each year. The monetized value of the PM health benefits alone was estimated at \$310

million to \$830 million per year.¹

Section 435 of the Bill, “Small Remote Incinerators” (SRIs), would undo these protections as to certain commercial and industrial waste incinerators in Alaska. By allowing these facilities to freely emit particulate matter, sulfur dioxide, and various hazardous air pollutants including cadmium, dioxins, furans, hydrogen chloride, lead, and mercury, the bill will expose communities and families that live and work near such facilities to increased risks of cancer, heart disease, stroke, and other serious illnesses. The Bill would also set us on a dangerous path towards the piecemeal dismantling of clean air protections that are meant to provide consistent protection to all Americans.

Clean Air Act regulations pertaining to SRIs should be maintained. In contrast with the significant health benefits of these standards, the requirements for compliance are not particularly burdensome. The D.C. Circuit noted that all of the 28 SRI facilities covered by EPA’s standards are located in Alaska, and concluded that “**no record evidence suggests that the current SRI emission standards are not achievable.**”² It’s clear that EPA has given – and continues to give – serious consideration to compliance and cost concerns surrounding these standards, and they have already withstood judicial scrutiny.

There are few responsibilities as fundamental for our government as ensuring the air we breathe is clean and safe. Passing an appropriations package that includes Section 435’s attack on the Clean Air Act would endanger the health of people in Alaska and set a dangerous precedent. By establishing special legislative exemptions, the proposed amendments create the very “race to the bottom” and health inequities that the Clean Air Act was designed to avoid. We urge you to reject all anti-environment riders in the FY2018 Omnibus Appropriations bill, including section 435 on small remote incinerators.

Environmental Defense Fund * Earthjustice * TBD * TBD *

¹ EPA, Regulatory Impact Analysis: Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units 5-9, 5-23 (Feb. 2011)

² *United States Sugar Corp. v. EPA*, 830 F.3d 579, 622 (D.C. Cir. 2016)