

Congress of the United States

Washington, DC 20515

November 30, 2010

The Honorable Gary Locke
U.S. Department of Commerce
Herbert C. Hoover Building
1401 Constitution Ave., N.W.
Washington, D.C. 20230-0001

Dear Secretary Locke:


As you are probably already aware, the U.S. Environmental Protection Agency (EPA) is considering changes to the agency's proposed Maximum Available Control Technology (MACT) rules for boilers, with final rules expected by January 14, 2011. EPA received numerous public comments on the proposal as well as letters from 115 Members of Congress and more than 40 Senators concerned about potential harm to the economy and job creation. We are likewise concerned about the fragile state of the economy and how EPA's proposal could hinder recovery.

It is our understanding that the U.S. Department of Commerce has conducted an economic impact analysis of the Boiler MACT rule, including its impact on manufacturing and employment, but that despite the importance and relevance of the analysis, it has not been publicly released. The Commerce Department is to be commended for examining the economic impacts of EPA's rules, which helps fulfill its mission to "advance economic growth and jobs and opportunities for the American people." But in order to benefit from the study's findings, we request that the Commerce Department share them with Congress, other administrative agencies, and the American public.

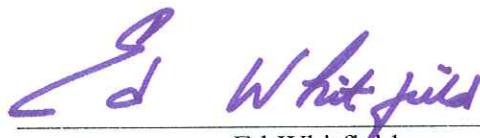
The Commerce Department's analysis may be especially important given the sharply contrasting results of other Boiler MACT studies to date. While EPA projected \$9.5 billion in total capital costs, a study by IHS Global Insight on behalf of the Congress of Industrial Boiler Owners (CIBO) found capital costs of \$20 billion. The CIBO study and one by the paper industry predicted the loss of hundreds of thousands of American manufacturing jobs. We are also troubled by comments from the U.S. Small Business Administration, which warned of "significant new regulatory costs" for "businesses, institutions and municipalities across the country." With interagency review slated to begin within days, time is short to understand any economic and jobs impacts from the Boiler MACT rule and make appropriate changes to the final regulations.

We request your assistance in ensuring the immediate release of the Department's Boiler MACT analysis to Congress and the public.

Sincerely,



Fred Upton
Member of Congress



Ed Whitfield
Member of Congress