

**Center for Biological Diversity ♦ Clean Water Action ♦ Earthjustice ♦  
Environment America ♦ Environmental Integrity Project ♦ Greenpeace  
USA ♦ Natural Resources Defense Council ♦ League of Conservation  
Voters ♦ Physicians for Social Responsibility ♦ Sierra Club ♦ Southern  
Alliance for Clean Energy ♦ Southern Environmental Law Center ♦  
Union of Concerned Scientists**

April 28, 2011

**RE: Vote NO on the Recycling Coal Combustion Residuals Accessibility Act of 2011  
(H.R. 1391)**

Dear Member of Congress:

On behalf of our millions of members and supporters nationwide, we are writing to ask you to oppose the Recycling Coal Combustion Residuals Accessibility Act of 2011 (H.R. 1391) introduced by Congressman David McKinley. Passage of this bill would silence the voice of the thousands of Americans who weighed in during the notice and comment rulemaking process that has been underway for nearly two years.

In this open and transparent rulemaking process, the Environmental Protection Agency (EPA) received more than 450,000 comments during eight public hearings and an extended comment period. This monumental number of public comments clearly indicates that Americans want to be heard on this important issue, especially the hundreds of thousands already harmed or threatened by improper disposal of this dangerous waste.

Following guidance from the Office of Management and Budget used by administrations of both political parties since 1995, EPA conducted an economic analysis and found that a rule requiring safe coal ash disposal will not have a measurable adverse impact on jobs, energy prices or the economy.

Furthermore, EPA's proposed coal ash rule affects only disposal and thus will encourage the safe recycling of coal ash. Disposal of coal ash is the problem, not the recycling of it into encapsulated forms. The proposed rule will not prevent the use of coal ash in products in encapsulated forms like cement, bricks, wallboard and shingles.

Coal ash is the toxic byproduct generated by burning coal for energy, and it contains many hazardous metals and chemicals including arsenic, hexavalent chromium, lead, mercury and selenium. Despite its hazardous characteristics, coal ash is not subject to federal regulations, and state laws governing coal ash disposal are usually weak or non-existent.

Across the country, billions of tons of coal ash are stored in unlined or poorly lined ponds, landfills and mines. Many of these sites lack adequate safeguards leaving nearby communities at risk from potential large-scale disasters, like the billion gallon coal ash spill in Tennessee in 2008, and from gradual yet equally dangerous contamination as toxins in coal ash seep into drinking water sources.

The public health and environmental risks from unsafe coal ash dumping have been known for many years, including increased risk of cancer, learning disabilities, neurological disorders, birth defects, reproductive failure, asthma and other sickness. Every day,

Americans face the danger of living with dangerous coal ash in their backyards, threatening to poison their communities. The public rulemaking process ensures these voices are considered.

Please vote "No" on the Recycling Coal Combustion Residuals Accessibility Act of 2011 (H.R. 1391). This bill undermines the public rulemaking process where nearly half a million Americans took time out of their lives to engage. Please allow their voices as well as the findings from scientific and economic studies done by the government to guide this process.

Sincerely,

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Cc: Members of the House Energy and Commerce Committee