

Fall 2017 Meeting
of the ACCCI MESH Committee
Detroit, MI
October 5-6, 2017

Name	Company	October 5 Breakfast/Meeting	October 5 Dinner	October 6 Breakfast/Meeting
Dean Bishop	ABC Coke	1	1	1
Jay Cornelius	ABC Coke	1	1	1
Jeff McCord	ABC Coke	1	1	1
Bill Osborn	ABC Coke	1	1	1
Taylor Owen	ABC Coke	1	1	1
Katie Kistler	AK Steel	1	1	1
Rob Carlin	DTE-EES	1	1	1
Elsie Clark	DTE-EES	1	1	1
Joe Clute	DTE-EES (Amber Clute)	1	2	1
Heather Crider	DTE-EES		1	1
David Fanning	DTE-EES			1
Brenna Harden	DTE-EES	1	1	1
Fadi Mourad	DTE-EES		1	1
Rob Sanch	DTE-EES		1	1
Terry Wagaman	DTE-EES	1	1	1
Charles Jones	ERP Compliant Coke	1	1	1
Katie Batten	SunCoke			E
Dovie Majors	SunCoke	1	1	1
Dusty McCain	SunCoke	1	1	1
Kris Singleton	SunCoke			E
Larry Walker	SunCoke	1	1	1
Robert Kolvek	Tonawanda Coke	1	1	1
Mike Dzurinko	USS	1	1	1
Mike Rhoads	USS-Clairton Works	1	1	1
Heath Huschak	Koppers (Jennifer Huschak)	1	2	1
Kelsey Cameron	Lone Star Specialities	1		1
Mike Mancione	Lone Star Specialities	1	1	1
Gary Gunnerson	Calgon Carbon (Guest Speaker)		1	1
James Stratico	Calgon Carbon (Guest Speaker)		1	1
Al Dittenhoefer	Montrose (for Erie Coke)			E
David Ailor	ACCCI	1	1	1
Jeff Knight	PWSP (CAA Speaker)		1	1
	TOTALS	22	29	29

M: Participating via Cnf. Call in MESH Mnfg. Subcmte. Mtg.
E: Participating via Cnf. Call in MESH Envr. Subcmte. Mtg.
S: Participating via Cnf. Call in MESH S Subcmte. Mtg.

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AMERICAN COKE AND COAL CHEMICALS INSTITUTE

Fall 2017 Meeting of the ACCCI MESH Committee
Thursday, October 5 - Friday, October 6, 2017
MGM Grand Detroit
1777 Third Street
Detroit, MI 48226
Tel.: 877-888-2121

[https://www.mgmgranddetroit.com/en.html?icid=GMB Hotel MGMD](https://www.mgmgranddetroit.com/en.html?icid=GMB_Hotel_MGMD)

MEETING EVALUATION FORM

On a scale of 1 to 5, with 1 being "poor" and 5 being "excellent," please rate the meeting relative to the following:

MEETING

Poor -----> Excellent

Overall Meeting Format: 1 2 3 4 5

Overall Meeting Content: 1 2 3 4 5

Meeting Management: 1 2 3 4 5

Length of Meeting (circle one): Too short Ideal Too long

Suggested Improvements: _____

FACILITY

Poor -----> Excellent

Hotel Accommodations: 1 2 3 4 5

Hotel Location: 1 2 3 4 5

Food Quality and Selection: 1 2 3 4 5

Hotel Personnel: 1 2 3 4 5

Suggested Improvements: _____

GENERAL COMMENTS

OPTIONAL

Name: _____ Company: _____

Please return this form to Dave Ailor at ACCCI Headquarters:
866-422-7794 (eFax) or dailor@accci.org

ANTITRUST REMINDER

1. It is the policy of the American Coke and Coal Chemicals Institute (“ACCCI” or the “Institute”) and its members to strictly comply with all applicable antitrust laws. As part of ACCCI’s antitrust compliance, this Antitrust Reminder is read aloud at the beginning of appropriate meetings of the Institute. The Antitrust Reminder is also recorded in the agenda and the minutes, to emphasize ACCCI’s antitrust compliance as a protection for the Institute and the members.
2. Because ACCCI provides an opportunity for members who may be competitors to communicate on issues that concern them, the Institute and members must be sensitive to the antitrust laws. ACCCI brings significant pro-competitive benefit to its members and the industry, and this is encouraged under the antitrust laws.
3. At the same time, ACCCI and members must ensure the association is not misused as a vehicle for anticompetitive agreements on commercial matters including, prices or other terms or conditions of sale, production volumes, the supply of specific customers and territories, the boycott or exclusion of other firms, or other unlawful activities. In addition, ACCCI and its members must avoid even the appearance of these activities. For these reasons, the following topics may not be discussed without prior review and approval by counsel: (a) current or future prices, or any other terms related to price including discounts, credit and payment terms, or delivery charges; (b) who will serve specific customers, markets or geographical areas; (c) whether or not to deal with a competitor, customer or supplier; (d) non-public marketing, product or service plans; or (e) non-public information concerning costs, profits, customers, booked business, etc.
4. The meeting will follow the approved agenda, and topics not on the approved agenda should not be discussed inside the meeting or in hallway discussions outside the meeting. In addition, minutes will be maintained of the meeting. The use of an agenda and minutes are part of ACCCI’s antitrust compliance policy, and they provide a record of the Institute’s legal compliance. In addition, legal counsel or association staff who have access to legal counsel will be present and will monitor the meeting for antitrust compliance. Please direct any questions regarding antitrust compliance to them, or after the meeting to the legal counsel for ACCCI.

Regulatory-Focused Coalitions in Which ACCCI Participates

Employee Safety Coalitions

- **Coalition for Workplace Safety (CWS)**: CWS, which is led by the U.S. Chamber of Commerce, is comprised of a group of associations and employers who believe in improving workplace safety through cooperation, assistance, transparency, clarity and accountability. It advocates for fair and balanced legislative and regulatory policies that impact employee safety.

Environmental Coalitions

- **American Alliance for Innovation (AAI)**: AAI, which is led by the American Chemistry Council (ACC), is advocating with EPA Capitol Hill for fair and balanced policies in the first reform of the Toxic Substances Control Act (TSCA) in a generation.
- **Boiler MACT Reconsideration Litigation Coalition**:* This coalition has intervened in NGO litigation over EPA's Boiler MACT Reconsideration Rule.
- **Business Network for Environmental Justice (BNEJ)**: The BNEJ, which is based at the National Association of Manufacturers, was formed in 1995. It is a voluntary organization of businesses, corporations, industry trade associations, industry service providers and business groups interested in environmental justice issues. The BNEJ believes that all people should be treated fairly under all laws, including environmental laws, without discrimination based on race, color or national origin. BNEJ supports open and informed dialogue with citizens about environmental decisions that affect local communities. It also supports continued systematic, objective scientific research into factors affecting human health and the environment, and the use of scientifically sound risk assessments in evaluating and prioritizing health and environmental risks.
- **Chemical Security Coalition (CSC)**: CSC, which is led by the American Petroleum Institute (API), tracks and addresses chemical security legislation being considered on Capitol Hill.
- **CAA Section 112(c)(6) Coalition**:* ACCCI joined this coalition to participate in an amicus brief in litigation filed by the Sierra Club in July 2015 relative to EPA's June 2015 Clean Air Act (CAA) Section 112(c)(6) completion determination.
- **Clean Power Plan (CPP) Litigation Coalition**:* The CPP Litigation Coalition, which is led by the National Association of Manufacturers (NAM) of which ACCCI is a member and the U.S. Chamber of Commerce, is challenging the Obama Administration's Clean Power Plan final rules.
- **Coalition for Emissions Accuracy**:* The Coalition is an industry organization that is working with EPA towards the development and maintenance of accurate air quality emissions factors.
- **Coarse PM NAAQS Coalition**:* The Coalition is working with EPA towards scientifically sound regulation of coarse particulate matter (PM) in air.
- **Corrosivity Characteristic Coalition**:* The Coalition is focused on a petition filed by Public Employees for Environmental Responsibility (PEER) seeking to compel EPA to lower the upper limit of the RCRA Corrosivity Characteristic from pH 12.5 to pH 11.5, a 10-fold reduction. The Coalition is arguing that "a rule that met the petitioners' requests needlessly would subject an enormous quantity of materials, many of which currently are safely used for productive purposes, to RCRA hazardous waste requirements with no corresponding benefit in the form of improved worker, public, or environmental safety. In fact, amending the corrosivity characteristic as

requested would result in classifying as 'hazardous' millions of tons more material than could be accommodated in currently available Subtitle C landfills."

- **Federal Recycling and Remediation Coalition (FRRRC):*** On April 5, 2010, ACCCI was a party to a multi-association comment letter to EPA on a January 6, 2010, EPA Advance Notice of Proposed Rulemaking (ANPRM) identifying additional classes of facilities, including coal products manufacturing, for development of financial responsibility requirements under Section 108(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). EPA's decision on the additional classes of facilities for development of financial responsibility requirements was based on an analysis of Toxic Release Inventory data and knowledge of chemicals found at Superfund sites.

On January 11, 2017, EPA proposed requirements in its CERCLA Financial Assurance Rule for the Hard Rock Mining Sector for demonstrating financial responsibility within the hardrock mining industry. The proposed rule could be costly: EPA estimates the costs imposed by the rule to the hardrock mining industry will exceed \$7 billion. EPA announced in the proposed rule that it has decided to propose similar rules for the chemical manufacturing, petroleum and coal products manufacturing, and electric power generation, transmission and distribution industries. FRRRC plans to comment, and ACCCI is participating in FRRRC to that end.

- **Federal Water Quality Coalition (FWQC):*** The FWQC is a coalition of industrial companies, municipal entities, property owners, and trade associations that are directly affected, or have members that are directly affected, by regulatory and policy decisions made pursuant to the Federal Water Pollution Control Act (the Clean Water Act). It advocates for its members on said regulatory and policy decisions.
- **H2S Coalition:*** The H2S Coalition tracks and addresses regulatory, product stewardship, research, and related matters pertinent to H2S uses and manufacturing applications.
- **Metals Industries Recycling Coalition:*** In the interest of preserving legal options/leverage, MIRC has filed a protective Motion to Intervene on EPA's "Definition of Solid Waste" (DSW) Final Rule because environmental groups filed Petitions challenging the rule as insufficiently restrictive.
- **Multi-Sector General Permit (MSGP) Litigation Coalition:*** The MSGP Litigation Coalition intervened in an NGO lawsuit that could fundamentally change the scope, liability, and cost of compliance for regulated parties that rely upon stormwater general permits necessary to comply with the Clean Water Act.
- **NAAQS Implementation Coalition (NIC):*** NIC, which is comprised of trade associations, companies, and other entities who confront challenges in the permitting of new or expanded facilities under new and increasingly stringent NAAQS, advocates against outdated EPA policies and models that contribute to these challenges.
- **Ozone NAAQS Litigation Coalition:*** ACCCI is partnering with eight other associations in a multi-industry Ozone Litigation Coalition that is challenging EPA's October 2015 Ozone NAAQS final rule. The final rule lowers the current 2008 standard of 75 parts per billion ("ppb") down to a level of 70 ppb for both the primary and secondary standards.
- **Partnership for a Better Energy Future (PBEF):** The PBEF, which is led by NAM, is a coalition of business organizations representing over 80 percent of the U.S. economy. Its fundamental mission is to promote an "all-of-the-above" energy strategy that ensures the continued availability of reliable and affordable energy for American families and businesses.
- **Pavement Coatings Technology Council (PCTC):*** A number of states and localities have enacted or are considering bills to ban refined tar-based pavement sealants. PCTC, to which

ACCCI and several member companies belong, tracks and interacts with those advocating ban bills by rebutting false claims and presenting technical and scientific studies to support the industry's opposition to such legislation.

- **Residual Risk Coalition (R2C):*** The R2C is an ad-hoc group comprised of the American Chemistry Council, the American Coke and Coal Chemicals Institute, the American Forest & Paper Association, the American Fuel & Petrochemical Manufacturers, the American Iron and Steel Institute, the American Petroleum Institute, the National Oilseed Processors Association, and the Rubber Manufacturers Association. Each R2C organization has members that are subject to "MACT" standards that have been (or will be) subject to residual risk and technology review ("RTR") pursuant to § 112. The R2C is dedicated to working constructively with the Environmental Protection Agency ("EPA") to develop a practical and environmentally responsible approach to satisfying EPA's technology review requirements under § 112(d)(6) and its residual risk review obligations under § 112(f).
- **Social Cost of Carbon (SCC) Coalition:** The SCC Coalition is challenging DOE's use of specific SCC estimates in the Agency's cost-benefit analysis for proposed energy efficiency standards for a number of consumer products. The Obama Administration is using these SCC estimates to justify numerous proposed greenhouse gas (GHG) rules. The Coalition is advocating for SCC estimates that are based on transparent processes, accurate information, rational assumptions, and within the reach of the current scientific understanding and impact models.
- **SSM Coalition:*** The SSM Coalition is commenting on various EPA rulemakings that are re-shaping the way emission standards under Clean Air Act (CAA) sections 112 and 129 will apply during startup, shutdown and malfunction (SSM) events.
- **SSM Litigation Coalition:*** The SSM Litigation Coalition has filed litigation for judicial review on EPA's June 12, 2015, SSM SIP Call rule. The Rule issues "State Implementation Plan" (SIP) calls to 36 states, declaring those states' SIPs "substantially inadequate to attain or maintain" ambient standards, mitigate interstate transport, or "otherwise comply with any requirement of" the CAA, under CAA § 110(k)(5)."
- **TSCA Inventory Update Intervention Group:*** This coalition, which is being led by the American Chemistry Council (ACC), in intervening in ENGO TSCA litigation in support of EPA and the Agency's TSCA Inventory Reset final rule. ACCCI joined this coalition in September 2017 when it was being formed.
- **TSCA Prioritization and Risk Evaluation Intervention Group:*** This coalition, which is being led by the American Chemistry Council (ACC), in intervening in ENGO TSCA litigation in support of EPA and the Agency's TSCA Prioritization and Risk Evaluation final rules. ACCCI joined this coalition in September 2017 when it was being formed.
- **United Drone Network:** UDN is a diverse coalition of trade associations representing a broad spectrum of industries who both manufacture Unmanned Aircraft Systems (UAS)/drones as well as depend on them in regular business operations. UDN supports the safe and responsible use of drones; however, drones can also pose challenging safety and security risks. There is no doubt that drone technology is advancing rapidly and drones have a bright future as long as they are used appropriately.

* Shared-Cost Coalition



CGLI

**Council of
Great Lakes Industries**

*Promoting the economic growth and vitality of the Great Lakes region, in harmony
with its natural resources (sustainable development)*

Overview

Quick Reference

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The **Council of Great Lakes Industries** is an organization of Canadian and US companies and industry associations committed to sustainable development in the Great Lakes region. For 25 years, CGLI has worked to ensure that industry is a substantive partner in the development of the Great Lakes regional environmental, natural resource, and other public policy.

CGLI was formed in 1991 by US and Canadian companies with significant investments in the Great Lakes region, under the leadership of the Federal Reserve Bank of Chicago. CGLI's original charge was to provide a business perspective on regional sustainable development policies.

The public policy arena in the Great Lakes region is unique and complex. It is governed by intricate governance mechanisms, including an international treaty; several binational agreements, charters, and compacts that have been forged between the US and Canadian governments; and a wide variety of state, provincial, and municipal programs.

Before CGLI, regional policy was developed by government agencies and environmental NGOs without organized industry representation. Today, CGLI is a respected partner in efforts to develop policy that supports industries interests while protecting and restoring the natural environment.

Why Join CGLI?

CGLI ensures that industry interests are heard and addressed in Great Lakes policy discussions so that member companies don't have to. CGLI convenes, leads, or attends hundreds of hours of meetings, conferences and workshops each year, and synthesizes pages and pages of reports and studies, so that we can present a business perspective to policy makers on Great Lakes issues of importance to industry. CGLI is the only business organization that participates in Great Lakes governance on behalf of industry.

CGLI provides members with concise information about policy issues that may impact industry in the Great Lakes region. CGLI navigates the policy arena to help members make good business decisions and integrate regional policy considerations with national and global policy initiatives.

CGLI stays on top of regional environmental NGO priorities. Environmental NGOS in the Great Lakes region are powerful, networked, well-financed, and heavily engaged in developing regional policy. CGLI has positioned industry as a solution-provider in Great Lakes protection and restoration in the eyes of policymaking and regulatory officials.

CGLI provides opportunities for members to show off their good work. Our members influence Great Lakes policy and have opportunities to enhance their image within Great Lakes policy venues by presenting successes, good news stories, and accomplishments -- stories that rarely are told elsewhere.

Council of Great Lakes Industries
3600 Green Court, Suite 710
Ann Arbor, MI 48105
734-663-1944
www.cgli.org

Members invest in CGLI because:

"CGLI does a 'bang-up job' getting industry a seat at the table and keeping the industry perspective in the foreground of [Great Lakes] policy discussions."

"CGLI keeps people in the loop with tight and continuous information."

"CGLI occupies a critical 'niche' between federally-focused and state-focused organizations."

"We rely on CGLI to promote science- and risk-based decision making and to be an honest, credible, and constructive partner in establishing basin policy."

"If CGLI did not exist, someone would invent it."

Industry's "Seat at the Table"

For 25 years, CGLI has been a coordinated voice for industry in the binational Great Lakes basin, CGLI continues to engage in high-level multi-stakeholder initiatives on behalf of its members.

- CGLI is the only industry representative on the Great Lakes Advisory Board — the principal advisor to USEPA Administrator Gina McCarthy on Great Lakes issues. The Board advises US federal agencies on such issues as prioritizing the US federal government's \$1.6 billion investment in Great Lakes protection and restoration, integrating adaptive management into the Great Lakes Restoration Initiative, and coordinating Great Lakes science, data, and information.
- Great Lakes industry, via CGLI, serves on the Advisory Committee that provided recommendations to President Obama in December 2015 regarding the proposed closure of the Chicago Area Waterway System to prevent the two-way transfer of Asian carp and other aquatic invasive species between the Mississippi River basin and the Great Lakes basin. CGLI supports aggressive invasive species management in the region but opposes physical separation of the two basins due to the potential impact on commercial navigation and other regional economic interests.
- Industry, via CGLI, helped create the Great Lakes Blue Accounting Initiative. The Blue Accounting Initiative was formed to implement recommendations to the Governors of the eight Great Lakes states and the Premiers of Ontario and Quebec for comprehensively monitoring and accounting for Great Lakes water resources. CGLI now serves on the Advisory Committee.
- Industry, via CGLI, is a member of the extended subcommittee for Annex 3 (Chemicals of Mutual Concern) of the Great Lakes Water Quality Agreement. This role is critical to ensuring that candidate chemicals proposed by USEPA and Environment Canada as CMCs are designated only if peer-reviewed risk- and exposure-based data support the designation, and if region-specific management action is absolutely necessary to control harmful CMC concentrations in Great Lakes water resources.
- CGLI serves on the Maritime Task Force Advisory Committee convened by the Great Lakes Governors and Premiers. The Maritime Task Force is working to create a single entity that will ensure that maritime assets such as ports, harbors, and other transportation infrastructure in the Great Lakes region support and enhance the region's economy.
- Each year, CGLI partners with other Great Lakes organizations (the Great Lakes Commission, the Great Lakes Metro Chambers Coalition, the Healing Our Waters Coalition, the Great Lakes Fishery Commission, and the Great Lakes-St. Lawrence Cities Initiative) to present agreed upon legislative priorities in Washington, DC.

- CGLI serves as an official observer to the Great Lakes Executive Committee and the Great Lakes Commission; is on the Advisory Board for the University of Michigan's Water Center and the Erb Institute for Global Sustainable Enterprise; and participates on the Board of Directors for the Great Lakes Observing System.
- CGLI convenes and sponsors conferences and workshops designed to identify and develop an industry perspective on critical Great Lakes issues such as climate change, energy policy, and chemical management strategies. We are currently developing projects related to Great Lakes sustainability and the Great Lakes "Blue Economy".

Outcomes and Impacts

- Industry representatives, coordinated by CGLI, participated in the Great Lakes Regional Collaboration Strategy and spearheaded the economic analysis that led to major US federal investment in Great Lakes restoration. These activities decreased the burden that otherwise might have been borne by industry as cleanup efforts began.
- Industry, via CGLI, constructively influenced the 2012 revisions to the Great Lakes Water Quality Agreement on behalf of its members. Industry encouraged a holistic view of lake management initiatives, insisted that the Parties recognize the importance of water resources to the Great Lakes economy, and encouraged multi-stakeholder engagement throughout implementation.
- CGLI redirected water use policy from "locking up the resource in the name of protecting it" to "sustainable use and re-use" of regional water resources in efforts that ultimately led to the Great Lakes-St. Lawrence Water Resources Compact and Agreement.
- CGLI has provided industry's perspective in testimony before the US Congress regarding proposed legislation affecting the Great Lakes. We have met with White House staff, the Council on Environmental Quality, and other US agency leadership to discuss and establish US priorities for the Great Lakes.
- Industry, via CGLI, provided data and information to defeat efforts by government agencies and NGOs to "virtually eliminate" certain chemical substance in the Great Lakes through the bi-national Virtual Elimination Task Force and Great Lakes Binational Toxics Strategy.
- To demonstrate industry's commitment to industrial water stewardship, CGLI led a major project that resulted in a tool kit that industry can use to assess, guide, and confirm use of good water stewardship practices.

CGLI harvests opportunities for Great Lakes industry to engage in and influence regional policy.

Current Issues

<p>Legislative and government affairs We promote legislation, regulations, and policies that favor a strong regional economy and protect and/or restore the regional ecosystem.</p>	<p>Great Lakes water quality We work to ensure the continued use of Great Lakes water resources for drinking water, industrial processes, cooling water, and recreation.</p>	<p>Access to Great Lakes water We support water withdrawal and/or diversion programs that are efficient, non-burdensome, and supportive of sustainable development.</p>
<p>Chemical management We advocate reliance on national chemical programs and support regional programs only if based on risk and exposure and peer-reviewed science.</p>	<p>Invasive species We support aggressive invasive species management but work to ensure that invasive species programs are cost effective and have demonstrable long-term benefit.</p>	<p>Economic development We seek opportunities to influence policy that attracts investment in the Great Lakes region, creates economic opportunity, and increases regional competitiveness.</p>
<p>Climate adaptation and resilience We evaluate how regional adaptation and resilience initiatives may provide opportunity for collaboration or otherwise impact industry.</p>	<p>Maritime transportation and infrastructure We work to enhance and maximize the efficiency of the Great Lakes maritime transportation system and to promote critical infrastructure maintenance.</p>	<p>Science and risk-based decision making We support scientifically-based assessment programs and decision-making, informed by an integrated data and information delivery system.</p>

Membership Details

CGLI members are encouraged to participate in all of CGLI's activities, work groups, and initiatives. Member benefits include:

- Timely access to critical information about Great Lakes issues that affect business
- Copies of draft policy initiatives, guidance, and proposed regulations before they are publicly released (when available)
- Opportunities to work directly with other industry representatives on regional topics and issues through participation in CGLI's member work groups
- Networking opportunities with Great Lakes policymakers and regulatory agency personnel
- Opportunities to participate in outcome-based projects that advance regional sustainable development in a way that benefits industry
- Access to monthly Member Meetings, which provide an overview and opportunity to discuss CGLI's policy activities, work groups and initiatives in a convenient on-line meeting format
- CGLI's monthly *Member Update*, which provides a brief account of CGLI's policy activities, work group activities, projects and community engagement.

In addition to full memberships, CGLI offers subscriptions to individual work groups. Contact CGLI for details.

Annual Membership Dues

Companies	\$8,000
Associations	\$15,000

For more information, contact
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**CGLI****Council of
Great Lakes Industries**

TO: CGLI Chemicals Management Work Group Subscribers

FROM: Kathryn A. Buckner, CGLI President
Dale K. Phenicie, CGLI Technical and Projects Director and CMWG Leader

DATE: July 31, 2017

RE: *CMWG Year in Review 2016-17 and Outlook for 2018*

Over the past year, CGLI's Chemical Management Work Group (CMWG) has continued to focus on informing and influencing the implementation of Annex 3 (Chemicals of Mutual Concern) of the Great Lakes Water Quality Agreement (GLWQA). Annex 3 directs the U.S. Environmental Protection Agency and Environment and Climate Change Canada to prepare binational, region-specific strategies for managing "chemicals of mutual concern" (CMCs). Strategies were released in 2017 for two chemicals (PCBs and HBCD). These strategies will be used as templates for other chemical substances designated by the two governments.

Your efforts as a subscriber to the CMWG are critical to supporting industry's participation in this precedent-setting regulatory policy development area. *Renewing your subscription to CGLI's Chemicals Management Work Group will assure continued industry engagement in the multiple venues in which Great Lakes chemical management measures are developed.*

CMWG actions and accomplishments over the past year are outlined below.

Binational strategies for managing the first set of CMCs

In 2014-15, CMWG members and subscribers provided critical input and information to U.S. EPA and ECCC as the governments designated the first round of CMCs. The first set includes:

- Hexabromocyclododecane (HBCD)
- Long-Chain Perfluorinated carboxylic acids (LC-PFCAs)
- Mercury
- Perfluorooctanoic acid (PFOA)
- Perfluorooctane sulfonate (PFOS)
- Polybrominated Diphenyl Ethers (PBDEs)
- Polychlorinated Biphenyls (PCBs)
- Short-Chain Chlorinated Paraffins (SCCPs)

Over the past year, the CMWG has continued to inform this process by participating in a wide variety of meetings and workshops convened by U.S. EPA and ECCC and by providing written and verbal comments on the CMC designations and the binational strategies that the governments have prepared to manage PCBs and HBCD in the Great Lakes region. Through this engagement, the CMWG

- provided a direct opportunity for industry to bring concepts of risk and exposure into the regional chemical management process to offset NGO pressures for use of hazard-only approaches
- encouraged the governments to coordinate regional priorities with national chemical management programs, such as the Canadian Environmental Protection Act and the U.S. Lautenberg Chemical Safety Act

- worked to ensure that the proposed management strategies are justified by sound scientific principles and good data showing the need for chemical management unique to the Great Lakes region.

By the end of 2017, the U.S. EPA and ECCC will release draft binational management strategies for other first round CMCs, including chlorinated paraffins and PFOA/PFOS, and designate a second set of compounds to assess for potential designation as CMCs. This set of candidate CMCs is expected to include sulfates, radionuclides, lead, polyaromatic hydrocarbons and potentially other substances.

Industry participation in the development of the initial binational strategies is critical because these documents will serve as templates for strategies that will be established for future CMCs. CMWG engagement in these processes ensures that the strategies incorporate data and information about ongoing industry-led initiatives that already address CMCs and that the governments are held accountable to the processes established within GLWQA processes for chemical management in the Great Lakes region.

Continued engagement with the International Joint Commission

The International Joint Commission (IJC) makes recommendations to the U.S. and Canadian governments that can strongly influence and guide regional policy and regulatory chemical management. The IJC's Science Priority Committee (SPC) provides significant input into the decision-making processes convened by IJC Commissioners. The IJC Dale Phenicie, CGLI's Technical Director, is the only industry representative on the SPC.

The IJC and its committees and work groups completed several studies over the past year, including a Triennial Assessment of Progress (TAP) report that assessed the ecosystem health of the Great Lakes and the effectiveness of the U.S. EPA and ECCC in pursuing GLWQA objectives. The TAP report relied on nine indicators to reflect ecosystem health and was based on scientific information and monitoring data that the governments collected and analyzed to evaluate lake conditions. CGLI helped to select and refine the metrics, test methods, and evaluation protocols used in the TAP.

On several occasions during 2016-17, CGLI had opportunities to fill "seats at the table" giving industry personnel opportunities to inform IJC activities. A notable example included the recruitment of industry representatives to serve on a study panel that is assessing environmental and safety risks associated with crude oil transportation in the Great Lakes region. Other stakeholders engaged in these activities include scientists, NGO personnel, and representatives from federal and state/provincial governments.

Harmonizing regional chemical policy with national programs

The CMWG regularly counters NGO calls for region-specific chemical management policies and regulations and encourages ECCC and U.S. EPA to align regional priorities with national chemical management programs, such as the Canadian Environmental Protection Act and the U.S. Lautenberg Chemical Safety Act. In turn, NGOs often turn to provincial, state, and local government agencies as venues for promoting chemical controls and bans when unsuccessful in the national forums and others created by the GLWQA framework. The CMWG has responded to such initiatives by:

- Monitoring state-by-state, and sometimes municipal, chemical legislative and regulatory initiatives, and proposing alternatives that provide concurrence with national programs

- Responding to activities of chemical control advocacy groups as needed to address adverse chemical ban or restriction initiatives.

The CMWG is in direct communication with regional government agency personnel on these matters and often serves as the only voice of industry in these intense debates.

Challenges and opportunities in 2018

CGLI expects a very active cycle in the Great Lakes chemical management and policy development arena in 2018. The NGO community and government resource managers responsible for achieving GLWQA objectives are gearing up for action in the following key respects:

- *Continued implementation of Annex 3:* U.S. EPA and ECCC have diverged to some extent in their respective approaches to the continued implementation of Annex 3. The Great Lakes Executive Committee (GLEC) has requested input on some very basic questions related to the scope and direction of the Annex 3 program. Stakeholders have a unique opportunity to inform the future direction of the annex and the governments' priorities, and the CMWG is the only industry group with the experience and expertise to engage in the development of the Annex 3 program.
- *Influencing lake-specific objectives:* The GLWQA empowers the U.S. and Canada to establish numeric and/or narrative ecosystem objectives for each Great Lake, and the GLEC has announced its intention to begin this process on a lake-by-lake basis. The CMWG can influence this process by engaging in the Lakewide Action and Management Plans (LAMPs) that are being prepared by federal, state, provincial, and tribal governments under GLWQA Annex 2. Industry engagement is critical to ensure that objectives and research protocols include the risk-based approach that industry favors.

Please renew your CMWG subscription

As you know, chemical management in the Great Lakes region is driven by a complex network of government agencies and stakeholder organizations that includes the International Joint Commission (IJC), Great Lakes Commission, (GLC), Conference of Great Lakes-St. Lawrence Governors and Premiers (CGLSLGP), and others. Your support enables the CMWG to continue to be recognized as a powerful, and often the only, voice of industry in these very active Great Lakes policy forums. Your continued participation in the CMWG is essential to ensure that your organization continues to have a voice in shaping Great Lakes chemical management policy and regulatory requirements.

We look forward to working with you in the coming year.

KAB/DKP

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INFORMATION PREPARED FOR OZONE AND PM_{2.5} NAAQS COALITIONS:

ADVOCACY SERVICES IN THE ENVIRONMENTAL AREA

Our government relations professionals meet regularly with members of Congress and senior Congressional staff, as well as with senior Environmental Protection Agency (EPA) and Administration officials, and we frequently assist clients in navigating the complex agency structure. The Hunton & Williams Government Relations and Environmental teams have represented a wide variety of companies, associations, and ad hoc coalitions on a broad range of issues, most recently in successfully advocating that EPA finalize the 2015 ozone National Ambient Air Quality Standards (NAAQS) no lower than 70 ppb.

Members of the current coalition have expressed interest in maintaining NAAQS-related activity in 2017, albeit as a lower level of effort and financial commitment. While 2017 likely will not see issuance of a proposed PM_{2.5} standard, certain EPA and other actions warrant maintaining a level of operations. For example, it is likely that 2017 may see some level of legislative and oversight action, perhaps a final support for legislation establishing phased implementation of the 2015 ozone NAAQS standard, or monitoring ozone implementation cost increases and negative economic impacts due to the statutory implementation schedule for the new standard being nearly simultaneous with that of the delayed 2008 ozone NAAQS. Moreover, as the revisions to the PM_{2.5} NAAQS proceed through early stages in 2017, it is essential that CASAC and Congress assimilate recent research that support maintaining the current standard, as well as the education of federal and state officials on concerns relating to a more stringent PM_{2.5} NAAQS.

SCOPE OF WORK

Hunton & Williams is well-suited for the strategic planning and execution of an advocacy effort for EPA's recently revised ozone NAAQS and the underway review of the PM_{2.5} NAAQS. Industry finds itself in the eye of the storm as the standard setting of the ozone NAAQS is nearing completion while the PM_{2.5} NAAQS review is underway and also nearing completion. Due to this period of confluence members have proposed the coalition continue in 2017 at a more modest and targeted rate to address both of these NAAQS.

- Monitor legislative delay/relief for 2015 ozone implementation.
- Continued information collection and outreach to states on ozone costs and impacts.
- Outreach to CASAC to ensure sound science is incorporated into the PM_{2.5} review.

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FEDERAL GOVERNMENT RELATIONS SERVICES IN THE ENVIRONMENTAL AREA

- Educate the technical staff of Congressional Committees regarding recent studies regarding the efficacy of the current PM_{2.5} standard.
- For use by coalition members, produce background and technical materials on health and economic implications of EPA's revised ozone NAAQS as well as EPA's scheduled first draft of the PM_{2.5} Integrated Science and Risk/Exposure Planning documents.
- Serve as a support resource for Congressional oversight of the ozone related implementation issues.
- Promote a "Manufacturer/Small Business-based" advocacy approach that will convey the critical issues of jobs and the economy.
- Engage key stakeholders and leaders in key areas around the country to deliver political messages regarding the need for jobs and to rebuild the economy that will resonate with congressional representatives and senators.
- Engage directly with Congressional offices to discuss the negative consequences of the more stringent standard; work with coalition members to develop legislative relief on for the implementation of the standard.
- Expand the coalition's members' advocacy efforts with other relevant agencies and organizations such as the USDA, Department of Commerce, Small Business Administration and other agencies who might be critical of EPA's final rule as adversely impacting their key missions and Administration goals of creating jobs and rebuilding the economy.
- Leverage advocacy activities so as to provide additional political support on the negative impacts additional regulations will have on the country's ability to create jobs and rebuild the economy.
- Engage Members of Congress on letters to the Administration and the expression of significant concerns by other means, such as personal contacts.
- Educate relevant Congressional committees with jurisdiction over environmental and oversight issues on the NAAQS review process and the inter-agency clearance process.
- Advocacy efforts to public sector and economic witnesses for comments and/or Congressional hearings.



FEDERAL GOVERNMENT
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AREA

FEES

We understand that these are challenging economic times with considerable pressures on organizations' budgets, and that 2017 will not see the level of activity demanded during 2015-2016. Accordingly, the contributions from the coalition members have been appropriately modified in 2017. Consistent with past practice, contributing members would form the coalitions' Steering Committee and be involved in any policy decisions during the term.

Our fee is based on our experience with representation of the coalition on previous key revisions to the ozone and PM_{2.5} NAAQS, and our review of the tasks and supporting work that will be required on these issues in calendar year 2017. The team will leverage and maximize staff resources and contacts to ensure that your organization's interests and initiatives receive the appropriate level of attention.

Our professional fees are inclusive of ordinary costs and overhead. Any services provided outside the scope of our agreement (for which we will obtain approval in advance) will be compensated at levels in advance by the Steering Committee.

As noted, our fee is based on the anticipated level of activity during the revision process.

We value our clients, strive to provide value-added services, and look forward to a results-driven, long-term relationship. Our firm believes in a reasonable compensation structure and will strive to adapt to your needs and budgeting constraints, particularly during the period the relationship is emerging. After the term of the contract, the scope of services and needs can be reviewed and calibrated by both sides.

In sum, we have significant experience with the issues that the coalition faces, and believe that we can continue to provide the coalitions with valuable and effective representation. Should you desire more information about how we can support your efforts, we would be happy to provide it.

COOPERATIVE FEDERALISM 2.0:

Achieving and Maintaining a Clean Environment and Protecting Public Health

JUNE 2017



ECOS

Introduction

The Environmental Council of the States (ECOS) is the national nonprofit, nonpartisan association of state and territorial environmental agency leaders. Its purpose is to improve the capability of state environmental agencies and their leaders to protect and improve human health and the environment of our nation.

The following document was produced through a consensus-based process among the members of ECOS. It is respectfully shared by ECOS with all who desire to participate in a conversation related to these matters. Please feel free to direct questions or comments to ECOS Executive Director and General Counsel Alexandra Dunn at adunn@ecos.org or 202.266.4929, or to any of the undersigned officers.

JOHN LINC STINE



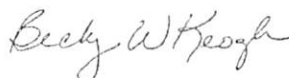
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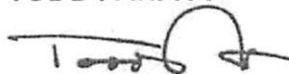
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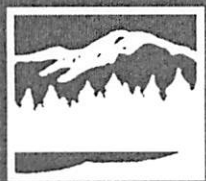
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COOPERATIVE FEDERALISM 2.0:

Achieving and Maintaining a Clean Environment and Protecting Public Health



ECOS

A national conversation is underway as to the best and highest purpose for state and federal environmental regulators from 2017 forward. We are convinced a recalibration of state and federal roles can lead to more effective environmental management at lower cost – that this is a call for a Cooperative Federalism 2.0. The purpose of this paper is to stimulate and advance this important national conversation. We have an opportunity to engage the Administration, Congress, and all other parties and interests in how states and the U.S. Environmental Protection Agency (U.S. EPA) can put the “meat on the bone” and more fully define what we mean by Cooperative Federalism 2.0 from a policy, operational, and fiscal standpoint that ensures effective public health and environmental protections. We believe that through this concept we can build on the foundations of national statutes, learn from the innovations and successes of state programs, and confidently meet the challenge of providing 21st century environmental protection with the best of 21st century methods and relationships.

As states evaluate the future of environmental protection, we believe each of the key roles and functions laid out in this document is crucial for high quality, nimble, reliable, and transparent environmental and public health protection across the nation. We look forward to engaging others on how they see this important relationship.

Background

When the foundation of environmental protection was established in the United States in the late 1960s and early 1970s, a key, constitutionally based tenet was cooperative federalism. Under this tenet, the U.S. Congress establishes the law, the federal government implements the law through national minimum standards for the media/pollutant in question, and states can seek authorization or delegation to implement the programs needed to achieve these standards. Generally, states may develop programs to go beyond these standards if a state chooses to do so.

Initially, when states first began to implement programs delegated to them in the 1970s and 1980s, many state programs benefitted not only from federal funding, but also from significant U.S. EPA oversight. Over the last 45 years, states have become the primary implementers of these environmental statutes, such that today, states have assumed more than 96 percent of the delegable authorities under federal law. These state programs have now matured, and states have undertaken many continuous improvement efforts to address new environmental challenges and to modernize and streamline decision-making processes. Indeed, from the first fledgling state programs to those we implement today, we have always sought out ways to be better and inspire public confidence in our efforts. States are a critical part of achieving our nation’s environmental and public health goals and mandated responsibilities in an effective and efficient way.

Document Structure

This document contains two parts. Part I enumerates, as principles, the roles and functions of states and U.S. EPA in cooperative federalism. The state and U.S. EPA principles we lay out here must be taken together; the principles reflect corollary responsibilities. These principles, which are laid out in the following table, are derived from a deep reflection on the current tenor and functioning of state/EPA relationships. Part II then documents 2.0 an initial list of important policy-neutral issues where the application of Cooperative Federalism could be focused.

Part I: Principles of the Roles and Functions of States and U.S. EPA in Cooperative Federalism

	Principles of the States' Role and Function in Cooperative Federalism	Principles of the Federal Role and Function in Cooperative Federalism
1	States should be engaged, as key partners with the federal government, in the development of national minimum standards to protect human health and the environment, and in any federal requirements regarding implementation of those standards. States bring experience in identifying and understanding evolving science and emerging environmental challenges, and in developing effective programmatic options and alternatives. In particular, states have first-hand knowledge of how to ensure successful implementation of programs designed to meet these standards including experience communicating with the regulated community and the public.	U.S. EPA should continue to lead in setting and adopting national minimum standards to protect public health and the environment.
2	States are the preferred implementing entities for national environmental regulatory programs for which federal statutes authorize their delegation. Only where states elect not to pursue delegated federal authority, do not provide the resources necessary to meet national regulatory minimum standards, or have a documented history of failure to make progress toward meeting national standards, should U.S. EPA implement these environmental programs.	U.S. EPA should be the lead implementer of national environmental regulatory programs in those instances where states decline to assume this role, where the states fail to appropriately implement such programs, or where federal statutes establish that role for the federal government.
3	States should have flexibility to determine the best way for their programs to achieve national minimum standards that enables them to incorporate and integrate their unique geophysical, ecological, social, and economic conditions.	U.S. EPA should involve states as partners early and often in developing federal environmental and public health policy, and should specifically seek state and other stakeholder input on the efficacy of new or changed standards or program requirements.
4	States should engage local governments, regulated entities, tribes, and the public, as well as recognize community and equity concerns, in implementation of national environmental regulatory programs, policies, and standards.	U.S. EPA should ensure appropriate federal consultation with Native American tribes in the implementation of federal environmental and public health policies, programs, and standards.
5	States should be the primary enforcement authority for programs delegated to the states and have the ability access federal enforcement authorities when federal enforcement is needed or appropriate.	U.S. EPA should respect the states' role as the primary implementer of national environmental regulatory programs and not review individual state implementation decisions, including enforcement, on a routine or recurring basis unless programmatic audits identify this need or particular circumstances compel federal action.

	Principles of the States' Role and Function in Cooperative Federalism	Principles of the Federal Role and Function in Cooperative Federalism
6	States should gather, maintain, and share information transparently with U.S. EPA and the public on how human health and the environment are protected, based on nationally agreed upon measures and metrics, through the activities states conduct and the environmental outcomes states achieve for federally delegated programs.	U.S. EPA should periodically and routinely audit state implementation programs authorized or delegated to achieve national minimum standards (including adequacy of state implementing authorities and resources). These audits should be based on criteria mutually developed by states and U.S. EPA in light of federal regulations and grant requirements. When a state is not adequately achieving standards, U.S. EPA should be able to take appropriate action to ensure that a state will make consistent progress. Ultimately, if a state is not making sufficient progress, U.S. EPA should be able to reassume a lead implementation role.
7	Consistent with Constitutional principles, states should be encouraged through flexible federal requirements to develop, pursue, and implement state innovations to effectively and efficiently achieve desired environmental outcomes. States should generally have the ability to set standards that are more stringent or that are broader in scope than federal standards.	U.S. EPA has a role as a convener and facilitator in important pollutant-related interstate issues to efficiently support multi-state solutions and in some cases, to ensure final decision-making. States' willingness to work on these types of issues collectively and collaboratively with each other is also critical for success. Regional collaborations of national significance often require additional assistance (i.e., technical or scientific support, funding, regulatory accountability, and dispute resolution) that U.S. EPA should have the capacity to provide.
8	States should work cooperatively with U.S. EPA in the development of shared services, implementation toolkits, and other key resources to facilitate permitting and reporting functions and to efficiently use resources to accomplish these tasks as well as shared functions.	U.S. EPA should maintain a robust scientific research and data gathering capacity to effectively inform and establish national regulatory minimum standards based on sound science, to understand how best to respond to complex environmental pollution challenges, to respond to emerging pollutants, to incorporate modern technologies, and to efficiently determine protective alternative remediation strategies and other solutions to facilitate protection of human health and the environment. The federal government has well-developed capacity to keep abreast of emerging challenges and to research potentially successful technologies or remedies for current challenges that no single state has the capacity to replicate or replace.
9	States that choose to implement federal programs should be both adequately funded by the federal government to do so as Congress directed in authorizing statutes and should also invest state resources (either directly or through fees or other methods) sufficient to implement a successful program.	U.S. EPA should have sufficient resources to meet these responsibilities and to financially support states in the implementation of federal statutes and programs. U.S. EPA should have sufficient resources to meet all obligations to states and to ensure timely review and decisions on program submittals by the states. The level of federal support to states implementing federal programs, policies, and standards should be calibrated to the scope and complexity of federal requirements that states must achieve in order to assume or continue implementation responsibility.

Part II: Changes Implied by Cooperative Federalism 2.0

Our state environmental programs exist to provide the level of environmental and human health protection promised to the American people through our national and state statutes. The key principles articulated above spark the following observations and entreaties for consideration by all parties with an interest in these critical matters. Many of them are buttressed by work underway between U.S. EPA and the states. However, the full embodiment of the principles clearly means a change from business as usual for most states and U.S. EPA and requires a willingness for U.S. EPA and the Congress to align the state/federal relationship with the current realities and responsibilities of state implementation of national regulatory programs. States are willing and eager to engage in this important dialogue.

- A.** Ensuring adequate capital and operating resources to fully implement federal environmental laws has been and must remain a priority focus. Robust cooperative federalism cannot be achieved if one party or the other is not capable of performing its critical functions. Inadequate implementation by states benefits no one; insufficient or non-timely performance by U.S. EPA hurts everyone. Both states and U.S. EPA need to perform as required and expected under a truly effective cooperative federalism. Neither party can, nor should be expected to, perform the important functions needed by the other for each to be successful. For example, adequate capital requirements for clean water (including drinking water) are a crucial public health necessity and a shared responsibility between the federal government, the states, and local governments. The federal government should financially support state implementation efforts commensurate with the complexity and breadth of federal requirements. Furthermore, when states implement federally delegated authorities, they must continue to provide a level of resources commensurate with their responsibilities. In the event there are decreases in the level of support for the operation of federally delegated programs by either federal or state governments, it is critical that there be a shared understanding, and transparency around, what work may no longer be performed by either party.
- B.** With robust engagement of all interests, including states, U.S. EPA should identify key outcomes for implementing federal environmental and public health laws that each federal program, standard, or policy is intended to accomplish. U.S. EPA should seek to demonstrate this through environmental and service delivery (i.e., time) “outcome” metrics rather than “output” metrics. These metrics should be understandable to the regulated community and the public. States should report at regular and consistent intervals to U.S. EPA and the public, through these agreed-upon and, to the extent possible, nationally consistent metrics, what environmental, public health, and service delivery outcomes the state-implemented federal programs, policies, and standards have achieved.
- C.** U.S. EPA and states’ working relationships should be continually reviewed, improved, and reformed to conform with the key principles. EPA’s oversight of state’s performance should emphasize developing, aligning, and mutually supporting efforts that successfully address environmental challenges instead of routinely reviewing state’s individual implementation actions. Such cooperative efforts should include development of new regulations and guidance consistent with the key principles, review of past practices and regulations that may be outdated and inefficient (and hence should be modified or eliminated), and determination of how regional and national consistency on implementation can be harmonized with state flexibility and innovation in implementation. There are significant ongoing efforts ready for scale to accomplish this, including E-Enterprise, in which U.S. EPA, states, and tribes jointly identify, manage, and implement projects designed to improve agency performance, implement efficiencies, and reduce burdens on the public and the regulated community. The widespread adoption of business process improvement techniques by states and U.S. EPA shows the benefit of continuing and expanding this effort through adoption of the principles.

- D.** Healthy and vibrant communities and economies rely upon both effective environmental protection and resilient economic growth. Achieving national minimum standards contributes greatly to the former; implementing efficient and effective programs contributes greatly to the latter. State flexibility to determine the best way for its programs to achieve national minimum standards that accounts for unique geophysical, ecological, social, and economic conditions is a particularly important aspect of ensuring that environmental protection and economic prosperity go hand-in-hand with healthy and vibrant communities.
- E.** As the scope and breadth of environmental programs has grown to address the issues upon which they are focused, assuring regulatory compliance has become increasingly complex. Robust and appropriate enforcement of regulations is a key aspect of compliance assurance, both by stopping and remedying non-compliance and by creating a climate of deterrence for other potential deliberate violators. States see significant benefit in providing focused compliance assistance and assurance programs that assist the regulated community to come into compliance by increasing its understanding of regulatory requirements and by developing effective ways to achieve compliance. Providing assistance is critical to support the vast number of entities that want to be in compliance. Creating a connection to those entities who may need compliance support can prevent them from becoming cases for formal enforcement action. States are implementing a wide range of such programs and developing methods to measure overall compliance, as well as the effectiveness of these programs.
- F.** Support for small communities to help improve community health and build necessary resilience to sustain it is needed across the nation. National minimum standards often represent significant financial burdens on these communities, which can be considerably exacerbated when investments are considered one program or one pollutant at a time. States and U.S. EPA have begun to address this pressing challenge, but ensuring that all communities in need of this support — and capable of implementing it responsibly — receive it, remains elusive.
- G.** As our environmental challenges become more complex and diffuse, novel approaches are needed that will depend upon comprehensive cooperative federalism to be successful. Pollutants are often found to have cumulative and synergistic relationships that are difficult to address under our single pollutant-by-pollutant statutory approach. Pollutants also do not respect political boundaries, highlighting the need for multi-state and multi-national approaches and cooperation.

Conclusion and Next Steps

We strongly believe that positive reforms and improvements to the bedrock of cooperative federalism are needed and warranted at this time to create and implement environmental protection programs worthy of 21st century challenges. States are eager to engage our federal partners, and others who have a keen interest in how the states and federal governments perform their roles, on how we can move forward consistent with these principles, in order to protect the environment and public health of our great nation.



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