

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE  
MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS**

**Friday, November 8, 2019  
DoubleTree by Hilton Hotel Nashville Downtown  
Nashville, TN**

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**I. CALL TO ORDER**

Board Chairman Rob Carlin called the meeting to order at 8:00 AM CST.

**NOTE:** Various meeting materials discussed during the meeting were provided to Board members via e-mail before the meeting in the form of a Board book, which is on file at ACCCI's offices.

**II. THOSE PRESENT AND ANNOUNCEMENTS**

**A. Introductions**

Those present introduced themselves. The following were present:

**Directors**

Rob Carlin, Chairman	DTE Energy Services
Dean Bishop, Vice Chairman	ABC Coke
Jeff Wozek, Secretary-Treasurer	SunCoke Energy
Ron Burnette	DTE Energy Services
Rob Gray	Hickman Williams & Company
Dave Schoen	Koppers, Inc.
Keith Kahl	SunCoke Energy
Matt Kraeuter	ThyssenKrupp Industrial Solutions
Mike Rhoads (via telephone)	U. S. Steel

**Other Company Representatives**

Sharon Parker	ABC Coke
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**Staff**

David Ailor	President
Jan Deitch (via telephone)	Director of Administration
David Menotti	General Counsel

A list of meeting attendees was included as page 1 of the meeting materials. Chairman Carlin noted the presence of a quorum for the record.

ACCCI President David Ailor reported that Dickie Owens (ABC Coke), who was unable to attend the meeting, had sent him a letter on October 25, 2019, requesting that Sharon Parker, Vice President of Sales for ABC Coke, be allowed to attend the Board meeting as an Alternate Director (page 2 of the meeting materials). Copies of

the materials distributed to Directors before the meeting were also provided to Ms. Parker in anticipation of her attending. It was **MOVED** and **SECONDED** to approve the request. The motion **PASSED**.

**B. Antitrust Statement**

ACCCI General Counsel David Menotti made a brief anti-trust compliance statement. He referenced ACCCI's antitrust policy, which was included as page 3 of the meeting materials.

**C. Other Announcements**

Chairman Carlin reviewed the customary logistics for the meeting, including the emergency exit and the rest room locations. He announced that there would be an Executive Session at the end of the meeting; he did not elaborate on what would be discussed then.

**III. APPROVAL OF MINUTES OF APRIL 27, 2019, MEETING OF THE BOARD OF DIRECTORS**

It was **MOVED** and **SECONDED** to approve the Draft Minutes of the last meeting of the Board of Directors held on Saturday, April 27, 2019, at the Hyatt Regency Coconut Point Resort and Spa in Bonita Spring, FL (pages 4-10 of the meeting materials). The Draft Minutes were **APPROVED**.

**IV. COMMITTEE REPORTS/UPDATES**

**A. MESH COMMITTEE**

**1. MESH Committee Update**

Acting Committee Chairman Dean Bishop delivered a PowerPoint presentation entitled "MESH Committee Report" (furnished electronically to all Meeting attendees prior to the meeting). He began by reviewing the various actions planned during the Committee's Spring 2019 Meeting to refocus the meetings so as to maximize their value for the current membership and make them more "cost neutral" for ACCCI's budget, as detailed in his presentation:

- a. Reduce from five to four the number of subcommittees of the MESH Committee, including retaining the Manufacturing, Environmental and Safety & Health subcommittees; dropping the Human Resources and Quality subcommittees; and, adding a "Technology" Subcommittee
- b. Hold meetings in locations central to coke producer member companies
- c. Create a list of member company "Single Point Contacts" for MESH outreach communications
- d. Structure meeting agendas to include and promote attendance and networking of operations personnel
- e. Increase the registration fee for attending MESH Committee meetings from \$100/person to \$150/person to help offset some of the meeting costs
- f. Create a "Coalitions Task Force" to recommend to the MESH Committee the associations and regulatory-focused coalitions of which ACCCI should be a member

Insofar as action item “a” above, those present at the Board meeting favored expanding the role of the MESH Manufacturing Subcommittee to include any discussions of technology-related issues, rather than creating a new Technology Subcommittee.

Insofar as action item “c” above, Mr. Ailor reported that the single point contact (Jim Fittipaldo) for one coke producer member company, ArcelorMittal, had told him that his company would not find it beneficial to send representatives to meetings of the MESH Committee, because his company routinely holds internal “all hands,” information-sharing meetings of such representatives and the dialogue during MESH Committee meetings would be largely duplicative of those internal meetings, except on environmental issues where the company is actively involved in the ACCCI-managed Coke Oven Environmental Task Force (COETF). Mr. Rhoads (USS) said he would contact Mr. Fittipaldo to urge ArcelorMittal to send representatives to Committee meetings.

Insofar as action item “f” above, Mr. Bishop recommended that the Board approve changing the above mentioned “Coalitions Task Force” to a subcommittee of the MESH Committee. His recommendation was **APPROVED**.

Insofar as the Fall 2019 Meeting of the Committee, Mr. Bishop reported that attendance was a big improvement over the Spring 2019 Meeting, which was attended by only eight representatives of three coke producer member companies and one representative of a tar refiner member company:

- a. Twenty-one representatives of five of ACCCI’s six coke producer member companies and two representatives of two of ACCCI’s five tar refiner member companies attended.
- b. Several environmental representatives from coke producer member companies participated in an issue-specific portion of the meeting via teleconference.
- c. ABC Coke provided meeting attendees a tour of its Tarrant, AL coke plant on the afternoon of September 25.
- d. Total cost of the Meeting to ACCCI’s 2019 Budget was \$2,866.64, including hotel expenses of \$6,049.46, MESH Chair dinner expenses of \$267.18 and meeting registration income of \$3,450.00 (see page 11 of meeting materials).
- e. The Committee’s next meeting – the Spring 2020 Meeting – will be held on April 7-8, 2020, in the Cincinnati, OH area.
- f. SunCoke will provide meeting attendees a tour of its Middletown, OH coke plant.
- g. The Fall 2020 meeting will be held at a TBD date in the Pittsburgh, PA area and USS will provide meeting attendees a tour of its Clairton Works coke plant.

Among the organizational decisions made during the Fall 2019 Meeting were:

- a. Future meetings of the Committee will be two-day events, with the first day being devoted to discussion of “sensitive” issues (i.e., environmental and employee safety/health issues), with “non-sensitive issues (i.e., manufacturing issues) covered on the second day.

- b. Industry supplier members of ACCCI will be allowed to attend “non-sensitive” portions of future meetings under their membership.
- c. The terms of the chairs of the MESH subcommittees should be limited.
- d. New chairs are needed for all three MESH subcommittees, as the current chairs have held their positions for more than five years.

Mr. Bishop concluded by reporting that Mike Krchmar (DTE-EES) had invited him to deliver a presentation at an upcoming meeting of the Eastern States Blast Furnace and Coke Oven Association. Mr. Bishop has accepted the invitation.

Mr. Ailor reported that, at the close of the Fall Meeting, the Chair of ACCCI’s Coal Chemicals Environmental Subcommittee, Heath Huschak (Koppers), had voiced to him an interest in holding periodic meetings of the Coal Chemicals Committee in the same timeframe as MESH Committee meetings. Mike Rhoads volunteered to contact Mr. Huschak to see what he has in mind.

## **2. Need for a New Committee Chair**

Mr. Bishop, who has served as Acting Chairman of ACCCI’s MESH Committee since March 2019 when he took the position on an interim basis, informed the Board that he needed to step down from it, effective immediately, given the new responsibilities that he would soon be assuming if the Board approves a Nominating Committee recommendation later in the meeting that he be the next Board Chairman. All present understood. Mr. Rhoads volunteered to assume the role of MESH Committee Chairman, effective immediately. Mr. Ailor thanked Mr. Bishop for his work as the Acting-Chairman of the MESH Committee and thanked Mr. Rhoads for volunteering to become the MESH Committee Chairman.

## **B. INTERNATIONAL COMMITTEE**

Mr. Ailor summarized the Census Bureau’s coke import statistics report through August 2019 (pages 12-17 of the meeting materials).

## **C. MEMBERSHIP REPORT**

Membership Committee Chair David Schoen, assisted by Ms. Deitch and Mr. Ailor, gave the Report (page 18 of the meeting materials). Mr. Schoen reported that he was developing an e-mail to circulate to ACCCI’s membership to request their assistance in soliciting new members. During Mr. Schoen’s report, Mr. Ailor sent him an e-mail containing documents he might find useful in developing the aforementioned membership e-mail - ACCCI “Fact Sheets” from 2000 and 2004 explaining what ACCCI is and does.

## **D. REGULATORY AFFAIRS UPDATE**

Considering all the important issues before the Board this meeting and in the interest of ensuring there is sufficient time to discuss them, Mr. Ailor gave only an abbreviated summary of the highlights from his “Regulatory Affairs Update” PowerPoint presentation for the meeting (furnished electronically to all meeting attendees prior to the meeting). As usual, his Update provided details on sector-specific and general industry regulatory issues of concern to the U.S. coke industry, regulatory issues of concern to the coal chemicals industry, and other important regulatory affairs issues.

Documents to which he referred during his summary were his PowerPoint presentation; and, the latest version of an ACCCI-maintained document entitled “Associations of Which ACCCI Is a Member/Regulatory-Focused Coalitions in Which ACCCI Participates” (pages 19-23 of the meeting materials). Issues on which he focused were EPA’s Risk and Technology Review (RTR) of 2003 MACT Standards for Coke Pushing, Quenching and Battery Stacks (PQBS); Clean Air Act 112(d)(6) RTR Deadline Litigation; and, EPA’s CERCLA “Financial Assurance” Rulemakings for the “Coal Products Manufacturing” and “Chemical Manufacturing” Industries. He emphasized that he anticipates ACCCI’s regulatory activities will increase significantly in coming months as EPA “ramps up” its activities on the PQBS RTR Project and the CERCLA “Financial Assurance” Rulemakings.

He concluded by referring those present to the latest (September 2019) issue of the ACCCI “Issues Update, which he prepares monthly (pages 24-46 of the meeting materials). He explained that preparing these monthly reports is becoming an increasing burden, both in terms of the hours it takes to prepare them (they are now routinely more than 20 pages) and the cost he personally is bearing (~\$500/month, or about \$6,000/year) for a Bloomberg Government news service to which he subscribes for much of the information he reports. He asked those present whether, in consideration of the anticipated increase in ACCCI’s regulatory activities, any find the monthly reports of benefit. None could say. Mr. Bishop offered to assist Mr. Ailor in obtaining an answer.

## V. STATISTICAL PROGRAMS REPORT

Mr. Ailor and Ms. Deitch reported on the status of ACCCI’s quarterly statistical reports and annual benchmarking surveys (page 47 of the meeting materials).

## VI. FINANCE REPORT

### A. Most Recent (September 2019) Financial Statement

Mr. Carlin and Mr. Ailor reviewed ACCCI’s most recent monthly financial statement - that for September 2019 - reflecting income and expenses through the end of September (pages 48-52 of the meeting materials).

### B. Approval of 2018 Audit

The 2018 Audit report prepared by Patton and Company CPAs was reviewed and discussed (pages 53-62 of the meeting materials). It was **MOVED** and **SECONDED** to accept the 2018 audit report. **MOTION PASSED.**

### C. Approval of 2019 Auditor

A proposal from Patton and Company CPAs to conduct the 2019 audit, for a cost of not-to-exceed \$3,600, was discussed (page 63 of the meeting materials). It was **MOVED** and **SECONDED** to accept the proposal, which would include preparation of ACCCI’s Form 990 income tax return. **MOTION PASSED.**

### D. Discussion on 2020 Budget

Chairman Carlin reported that no progress had been made on developing a proposed budget for ACCCI’s 2020 Fiscal Year, which begins January 1, 2020, because of the uncertainty

over another topic to be discussed later in the meeting - ERP Coke's failure to pay its 2019 Annual Dues. He announced that the Board would be holding a conference call in the coming weeks at a date/time yet to be determined, but probably during January 2020, to discuss/decide on a budget for 2020.

Chairman Carlin asked Mr. Bishop to provide the Board as soon as possible with the recommendations of the MESH Committee's Coalitions Subcommittee on associations and regulatory-focused coalitions of which ACCCI should be a member during 2020, towards the Board considering such in ACCCI's budget for Fiscal Year 2020. Mr. Bishop committed to providing Chairman Carlin with the Task Force's recommendations in the next couple of weeks, towards the Board considering them during the aforementioned Board budget call.

## **VII. REPORT OF NOMINATING COMMITTEE FOR OFFICERS WITH TERMS EXPIRING IN 2020**

Mr. Rhoads, who chaired the Nominating Committee, reviewed the Committee's report (page 64 of the meeting materials). The term of the current slate of Officers (Chairman – Rob Carlin; Vice Chairman – Dean Bishop; and, Secretary/Treasurer – Jeff Wozek) expires on April 24, 2020, at the conclusion of ACCCI's 2020 Annual Meeting. The "Proposed Slate of New Officers" (Chairman – Dean Bishop; Vice Chairman – Jeff Wozek; and, Secretary/Treasurer – Ron Burnette) was presented by the Nominating Committee to the Board of Directors for vote. It was **MOVED** and **SECONDED** to accept the Nominating Committee's "Proposed Slate of New Officers." **MOTION PASSED.**

## **VIII. REPORT OF "BYLAWS TASK FORCE"**

Chairman Carlin, who chairs the "Bylaws Task Force" created during the Spring 2019 Meeting of the Board and includes Ron Burnette, Mike Rhoads and David Menotti (Task Force counsel), reported on the activities of the Task Force since the Spring Meeting. Mr. Carlin reminded those present that ACCCI's Bylaws (pages 65-77 of the meeting materials) had not been reviewed in some time and that, considering all the recent changes in the industry, including ACCCI's membership and its budget (e.g., the loss of Tonawanda Coke/Erie Coke and their dues in 2017), it might be time to revise them. Those present agreed.

Mr. Menotti recommended that, as a first step, the first line of Section 2 of Article IV ("Number, Election, Staggered Terms and Vacancies" insofar as Directors) – "The number of directors of the Corporation shall be no more than eighteen (18) and no less than twelve (12)" – be amended to only specify a minimum number of three (3) Directors, with no maximum. It was **MOVED** and **SECONDED** to amend this sentence as recommended, such that it would read "The number of directors of the Corporation shall be no less than three (3)." **MOTION PASSED.**

## **IX. MEETINGS UPDATE**

### **A. MEETINGS CALENDAR**

Mr. Ailor updated those present on upcoming meetings of note (page 78 of the meeting materials), including a tentative January 2020 Board conference call (if needed); the Spring 2020 Meeting of ACCCI's MESH Committee on April 7-8, 2020, in the Cincinnati, OH area, during which SunCoke will host a tour of its Middletown, OH, coke plant; and, the 2020 Annual Meeting on April 23-24, 2020, at the Westin Hilton Head Island Resort & Spa in Hilton Head Island, SC. Mr. Ailor noted that planning for ACCCI's 2020 Annual Meeting had begun.

**1. Need for a Program Chair for the 2020 Annual Meeting**

Mr. Ailor asked if anyone present would consider serving as Program Chair for the 2020 Annual Meeting. Mr. Bishop volunteered to be the Program Chair.

**2. Other Issues**

No other related issues were discussed.

**B. Discussion on 2020 Business Meeting Date/Location**

Mr. Ailor reported that a representative of SMITHERS, which runs the MetCoke World Summit each year, had informed him on November 7 after the just-completed 2019 World Summit that the 2020 World Summit would return to downtown Pittsburgh next year; would be held in the same timeframe as this year's Summit – in early November; and, would be along the lines of the old format, concluding about 12:00 Noon on the last day of the Summit. All present supported holding the Board's 2020 Business Meeting the afternoon of the last day of the Summit, immediately following and at the same location as the Summit, whenever and wherever that might be.

**C. Discussion on 2021 Annual Meeting Date/Location**

Mr. Ailor explained that, with a 2021 Annual Meeting only about 18 months away, ACCCI staff wanted direction from the Board on when and where the Meeting would be held. He referred those present to a document listing the locations where ACCCI meetings had been or would be held from 1995 – 2020 (pages 79-80 of the meeting materials). He reminded those present that during the Board's Spring 2019 Meeting, the Board had asked Ms. Deitch to obtain proposals from several potential venues, including The Resort at Longboat Key Club, Ponte Vedra Inn & Club, Doral Golf Resort, and the Omni Amelia Island Plantation. Ms. Deitch had prepared a sheet summarizing the proposals she has obtained, which is included as page 81 of the meeting materials.

Mr. Ailor pointed out that the Doral Golf Resort was not included on the summary sheet because, as it is owned by President Trump, he had judged it too politically charged a venue for an Annual Meeting. At his direction, Ms. Deitch had obtained a proposal from another resort instead – The Biltmore Miami-Coral Gables. None present disagreed. Ms. Deitch then walked those present through the summary sheet.

Following a full discussion, all present favored holding the 2021 Annual Meeting at The Resort at Longboat Key Club. But, several present supported asking the Resort if it would give us a better discount on meal charges than the 10% discount it had offered, so as to reduce the impact on ACCCI's budget.

Review/discussion concluded with the Board directing Ms. Deitch to contact the Resort to pose that question. Regardless of the answer, Ms. Deitch is to inform the Resort that ACCCI would like to move forward with finalizing a contract to hold the 2021 Annual Meeting there.

## X. OLD AND NEW BUSINESS

### A. Discussion/Decision on ERP Coke's Failure to Pay its 2019 Annual Dues

Chairman Carlin led a discussion about the failure of ERP Compliant Coke, which has been renamed Bluestone Coke LLC after an August 2019 ownership change, to pay its 2019 Annual Dues. ACCCI staff sent ERP an invoice for its 2019 dues in mid-January 2019, for remittance by February 18, 2019. As of the date of the Business Meeting, ERP/Bluestone has not paid anything on this invoice, notwithstanding multiple inquiries by ACCCI staff dating back to May 2019 on the status of payment.

All present favored ACCCI sending ERP/Bluestone a letter demanding payment within 30 calendar days. If the invoice remains unpaid after that time, the Board would assume that ERP/Bluestone is either unable or unwilling to pay the invoice and would consider taking further action insofar as its membership, including suspending the company's membership in ACCCI, per Article VIII of ACCCI's Bylaws.

Discussion of this topic concluded with those present deciding that Mr. Ailor should move forward with a letter to ERP/Bluestone to this effect.

### B. Appointment of Nominating Committee for Directors with Terms Expiring in 2020 (Carlin, Burnette, Wiggins and Kraeuter)

Chairman Carlin asked for volunteers for a Nominating Committee for Directors with terms expiring in 2020 (i.e., Carlin, Burnette, Wiggins and Kraeuter). Mr. Menotti suggested that the Committee have the same members as the Nominating Committee for Officers with terms expiring in 2020 - Mr. Rhoads (Chair), Mr. Burnette, Mr. Gray and Mr. Schoen. It was **MOVED** and **SECONDED** that the Board approve the membership of the Committee. **MOTION PASSED.**

### C. Other Business

No other related business was discussed.

## XI. EXECUTIVE SESSION

At 11:00 00 AM CST, the Board began an Executive Session. Mr. Carlin asked Mr. Ailor to leave the meeting room and Ms. Deitch to drop off the call.

At about 11:20 AM CST, Mr. Carlin invited Mr. Ailor back into the meeting room. Mr. Carlin then explained that the Executive Session had focused on something about which Mr. Ailor had contacted him in advance of the meeting – that neither he nor Ms. Deitch had received a performance review from the Board since January 2015 when he had returned to ACCCI after 10 years with another association. Mr. Carlin reported that, based on the discussion during the Executive Session:

- The Board would be giving both Mr. Ailor and Ms. Deitch performance and compensation reviews prior to the Spring 2020 Board Meeting. Mr. Ailor thanked the Board for agreeing to do this, and indicated he would inform Ms. Deitch of the Board's decision.
- The Board wanted Mr. Ailor to submit to ACCCI for reimbursement (under account no. 16-4950-01 ("Environmental Misc. – Legal")) the monthly invoices he had received to date during

2019 from Bloomberg Government for the above discussed news subscription service that Bloomberg is providing him and, going forward, to submit for reimbursement from ACCCI on his monthly invoice to ACCCI the monthly invoices he receives in this regard. Mr. Ailor thanked the Board for agreeing to do this, and indicated he would inform Ms. Deitch of the Board's decision.

- The Board has authorized Mr. Carlin to speak with COETF Chair Katie Kistler (AK Steel) to discuss the COETF accepting responsibility for some TBD period of time some TBD portion of Mr. Ailor's monthly retainer from ACCCI. Mr. Carlin asked Mr. Ailor to alert Ms. Kistler to his interest in speaking with her about this possibility. Mr. Ailor responded that he would alert her about it.

## **XII. ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:33 AM CST.

Respectfully submitted,

/s/  
David C. Ailor, P.E., President

/s/  
Rob Carlin, Chairman

/s/  
David E. Menotti, Esq., General Counsel

**ACCCI's 2019 Business Meeting  
Nashville, TN  
November 8, 2019**

<b>Name</b>	<b>Company</b>	<b>November 7 Board Dinner</b>	<b>November 8 Board Breakfast</b>	<b>November 8 Business Meeting</b>
Dean Bishop	ABC Coke	1	1	1
Sharon Parker	ABC Coke	1	1	1
Rob Carlin	DTE	1	1	1
Rob Gray	Hickman, Williams & Company		1	1
Dave Schoen	Koppers	1	1	1
Keith Kahl	SunCoke	1	1	1
Jeff Wozek	SunCoke	1	1	1
Matt Kraeuter	ThyssenKrupp		1	1
Mike Rhoads	USS			1 (via telephone)
David Menotti	ACCCI General Counsel	1	1	1
David Ailor	ACCCI	1	1	1
Jan Deitch	ACCCI			1 (via telephone)
	<b>TOTALS</b>	<b>8</b>	<b>10</b>	<b>10</b>

Business Meeting – Friday, November 8, 2019, 7:00 a.m. CST (buffet breakfast)

/T

P.O. Box 10246  
Birmingham, AL 35202

Telephone: 205-849-1300  
Fax: 205-849-1322



Date: October 25, 2019

To: David Ailor, ACCCI Board President

From: Richard Owens

Subject: 2019 Business Meeting of the ACCCI Board of Directors – November 8, 2019

Per our telephone call October 24, 2019, I will not be attending the 2019 ACCCI Board of Directors Meeting in Nashville, TN. I respectfully request that Sharon Parker, Vice President Sales for ABC Coke be allowed to attend the board meeting and vote on my/ABC's behalf.

Any questions or concerns with is request please feel free to contact me directly.

*Dickie*



## 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.

AMERICAN COKE AND COAL CHEMICALS INSTIUTE  
MINUTES OF THE MEETING  
OF THE BOARD OF DIRECTORS

Saturday, April 27, 2019  
Hyatt Regency Coconut Point Resort and Spa  
Bonita Springs, Florida

I. CALL TO ORDER

Board Chairman Rob Carlin called the meeting to order at 8:18 AM EDT.

NOTE: Various meeting materials discussed during the meeting were provided to Board members via e-mail before the meeting in the form of a Board book, which is on file at ACCCI's offices.

II. THOSE PRESENT AND ANNOUNCEMENTS

A. Introductions

Those present introduced themselves. The following were present:

**Directors**

Rob Carlin, Chairman  
Dean Bishop, Vice Chairman  
Jeff Wozek, Secretary-Treasurer  
Ron Burnette  
Rob Gray  
Dave Schoen  
Matt Kraeuter  
Mike Rhoads

DTE Energy Services  
ABC Coke  
SunCoke  
DTE Energy Services  
Hickman Williams & Company  
Koppers, Inc.  
ThyssenKrupp Industrial Solutions  
U. S. Steel

**Other Company Representatives**

Sharon Parker

ABC Coke

**Staff**

David Ailor  
Jan Deitch  
David Menotti

President  
Director of Administration  
General Counsel

A list of meeting attendees was included as page 1 of the meeting materials. Chairman Carlin noted the presence of a quorum for the record.

ACCCI President David Ailor reported that Dickie Owens (ABC Coke), who was unable to attend the meeting, had sent him a March 12, 2019, letter requesting that Sharon Parker, Vice President of Sales for ABC Coke, be allowed to attend the Board meeting as an Alternate Director (page 2 of the meeting materials). It was **MOVED** and **SECONDED** to approve the request. The motion **PASSED**.

**B. Antitrust Statement**

ACCCI General Counsel David Menotti made a brief anti-trust compliance statement. He referenced ACCCI's antitrust policy, which was included as page 3 of the meeting materials.

**C. Other Announcements**

Chairman Carlin reviewed the customary logistics for the meeting, including the emergency exit, the rest room locations, and the details of the golf tournament that would follow the adjournment of the Board meeting. He noted that ACCCI's Bylaws had not been reviewed in some time and that, considering all the recent changes in the industry, including ACCCI's membership and its budget (e.g., the loss of Tonawanda Coke/Erie Coke and their dues in 2017), he had asked Mr. Ailor to include them in the handouts for possible reference during the meeting (pages 4-16 of the meeting materials).

**III. APPROVAL OF MINUTES OF NOVEMBER 8, 2018, BUSINESS MEETING OF THE BOARD OF DIRECTORS**

It was MOVED and SECONDED to approve the draft Minutes of the last meeting of the Board of Directors held on November, 8, 2018, at the DoubleTree by Hilton Hotel & Suites in Pittsburgh, PA (pages 17-21 of the meeting materials). The draft Minutes were APPROVED.

**IV. COMMITTEE REPORTS/UPDATES**

**A. MESH COMMITTEE**

Acting Committee Chairman Dean Bishop presented a PowerPoint presentation entitled "MESH Committee Report" (furnished electronically to all Meeting attendees prior to the meeting). As detailed in his presentation, he explained that attendance of MESH Committee meetings has been in a steady decline over the last couple of years, with ACCCI having fewer coke producer member companies, some coke producer member companies not sending any representatives to the meetings, and integrated coke producers routinely sending only one, if any representatives to the meetings. The primary topic of the MESH Committee's Spring 2019 Meeting was discussing/deciding on ways to refocus the Committee's meetings so as to maximize the value of the meetings for the current membership.

The key decisions and recommendations were to:

1. Reduce from five to four the number of subcommittees of the MESH Committee, including retaining the Manufacturing, Environmental and Safety & Health subcommittees; dropping the Human Resources and Quality subcommittees; and, adding a "Technology" Subcommittee
2. Hold meetings in locations central to coke producer member companies
3. Create a list of member company "Single Point Contacts" for MESH outreach communications
4. Structure meeting agendas to include and promote attendance and networking of operations personnel
5. Increase the registration fee for attending MESH Committee meetings from \$100/person to \$150/person to help offset some of the meeting costs

- 6. Create a “Coalitions Task Force” to recommend to the MESH Committee the associations and regulatory-focused coalitions of which ACCCI should be a member

Following up on decision no. 3 above, Acting Chairman Bishop requested that Board members provide Mr. Ailor with their companies’ “single point contacts” for MESH outreach communications. Acting Chair Bishop said that for the Fall 2019 MESH Meeting, ACCCI will circulate a finalized, very detailed agenda before the end of May, with the request that the single point contacts promote the meeting to potential attendees.

Finally, Acting Chair Bishop emphasized the importance of working to achieve cost neutrality for the MESH meetings and the necessity and value of the establishment of the Coalitions Task Force. The Task Force was created to evaluate the associations and regulatory-focused coalitions of which ACCCI is a member and to rank them in terms of importance. The Task Force members are Jay Cornelius (Task Force Chairman), Kelsey Cameron (Lone Star Specialties), and Matthew Blakely (AK Steel).

**B. INTERNATIONAL COMMITTEE**

Mr. Ailor summarized the Census Bureau’s coke import statistics report through February 2019 (pages 22-25 of the meeting materials). The Census Bureau added a new code to the report during 2018 – 2713110000 (“Petroleum Coke, Not Calcined”).

**C. MEMBERSHIP REPORT**

**1. Changes in Membership Since the Last Board Meeting**

Ms. Deitch and Mr. Ailor reported that there had been three membership changes since the Board’s last meeting in November 2018 (page 26 of the meeting materials), as listed below:

- Fluid Power Technologies joined ACCCI this year as a new member on February 20, 2019.
- Orion Engineered Carbons decided not to renew its ACCCI membership this year due to company cutbacks in expenses.
- Civil & Environmental Consultants, Inc. decided not to join the Institute.

ACCCI is sending out dues payment reminders to companies that have not paid their 2019 dues yet. As at prior meetings of the Board, Board Directors were urged to promote ACCCI membership to their business contacts.

**2. Potential Interest of Alcoa and Stelco in ACCCI Membership**

The Board discussed a request from Garrett Dutkiewicz of Alcoa (page 27 of the meeting materials) about the possibility of his company joining ACCCI at a discounted amount for annual dues. The Board decided that ACCCI could not honor Alcoa’s request for discounted annual dues.

The Board also discussed the possibility of ACCCI memberships for Algoma and Stelco. The two companies have been suggested for possible membership in ACCCI (page 28 of the meeting materials).

**3. Other Issues**

Chairman Carlin led a discussion about the need to increase ACCCI's membership and to have a Membership Committee Chair to lead the effort. Mr. Ailor noted that, as reflected in the Minutes of the last meeting of the Board of Directors held on November, 8, 2018, at the DoubleTree by Hilton Hotel & Suites in Pittsburgh, PA, this issue was discussed and Dave Schoen said he would consider becoming the Membership Committee Chairman (page 19 of the meeting materials). Mr. Schoen confirmed that he was willing to serve in this capacity, and the Board APPROVED Mr. Schoen as Chairman of the Membership Committee.

Finally, Chairman Carlin reiterated that ACCCI's Bylaws (pages 4-16 of the meeting materials) had not been reviewed in some time and that, considering all the recent changes in the industry, including ACCCI's membership and its budget (e.g., the loss of Tonawanda Coke/Erie Coke and their dues in 2017), it might be time to revise them. Those present agreed, and a task force was created to review and recommend revisions to them, as necessary. The "Bylaws Task Force" members are Rob Carlin (Task Force Chairman), Ron Burnette, Mike Rhoads and David Menotti (Task Force Counsel).

**D. REGULATORY AFFAIRS UPDATE, INCLUDING OTHER ASSOCIATIONS AND REGULATORY-FOCUSED COALITIONS OF WHICH ACCCI IS A MEMBER**

Considering all the important issues before the Board this meeting and in the interest of ensuring there is sufficient time to discuss them, Mr. Ailor gave only an abbreviated summary of the highlights from his "Regulatory Affairs Update." As usual, his Update provided details on sector-specific and general industry regulatory issues of concern to the U.S. coke industry, regulatory issues of concern to the coal chemicals industry, and other important regulatory affairs issues. Documents to which he referred during his summary were a February 13, 2019, letter from Earthjustice to EPA Administrator Andrew Wheeler notifying the Agency that Earthjustice planned to file a "deadline" suit against EPA within 60 days over the Agency's failure to complete risk and technology reviews for hazardous air pollutants from coke pushing, quenching and battery stacks and coke oven doors, lids, offtakes and charging by the statutory deadlines prescribed in the Clean Air Act (pages 29-32 of the meeting materials); Earthjustice's April 15, 2019, court filing (pages 33-53 of the meeting materials); an ACCCI-maintained document entitled "Associations of Which ACCCI Is a Member/Regulatory-Focused Coalitions in Which ACCCI Participates" (pages 54-59 of the meeting materials); and, his "Regulatory Affairs Update" PowerPoint presentation for the meeting (furnished electronically to all meeting attendees prior to the meeting).

**V. STATISTICAL PROGRAMS REPORT**

Mr. Ailor and Ms. Deitch reported on the status of ACCCI's quarterly statistical reports and annual benchmarking surveys (page 60 of the meeting materials).

**VI. FINANCE REPORT**

**A. Most Recent (March 2019) Financial Statement**

Mr. Carlin, Mr. Wozek and Mr. Ailor reviewed ACCCI's most recent monthly financial statement - that for March 2019 - reflecting income and expenses through the end of

March (pages 61-67 of the meeting materials). Following a full discussion of the financial report, those present agreed that the format of the report needed to be revised to provide more transparency and clarity and be easier to read and comprehend. Chairman Carlin announced that, to this end, he would work with Ms. Deitch to revise the report in this manner, beginning with the April financials. Finally, he suggested and the Board agreed that, considering ACCCI's serious budget situation, going forward ACCCI would no longer cover the costs of meetings, conference calls, or travel by ACCCI support staff for the ACCCI-managed Coke Oven Environmental Task Force.

**B. Other Issues**

President Ailor noted that ACCCI and the ACCCI-managed Coke Oven Environmental Task Force (COETF) had never received payments in excess of \$50,000 due them from Tonawanda Coke/Erie Coke with the loss of those two companies from the ACCCI and COETF memberships during 2017. This loss has had a profoundly negative effect on the budget.

Mr. Menotti recommended that ACCCI/COETF file with the court overseeing the bankruptcy proceedings insofar as Tonawanda Coke the documents necessary to register ACCCI/COETF's claim on whatever funds are paid via those proceedings. The Board APPROVED ACCCI/COETF doing so.

**VII. NOMINATING COMMITTEE REPORT**

Chairman Carlin informed the Board of the Report of the 2019 Nominating Committee (page 68 of the meeting materials). The Committee consisted of Mr. Rhoads (Chairman), Mr. Bishop, and Mr. Carlin.

**A. Proposed Slate of Directors with Terms Expiring in 2019**

The proposed slate of Directors is Messrs. Bishop, Potter, and Gray. They will be nominated for election by the Voting Members during the Annual Membership Meeting on April 28, 2019. Messrs. Bishop, Potter, and Gray are to be nominated for three-year terms.

**B. Appointment of a Nominating Committee for Officers with Terms Expiring in 2020**

Chairman Carlin asked for volunteers for a Nominating Committee for Officers with Terms Expiring in 2020 (i.e., Chairman Carlin, Vice Chairman Bishop, and Secretary-Treasurer Wozek). Volunteers included Mr. Rhoads, Mr. Burnette, Mr. Gray and Mr. Schoen. A motion was made that the Board approve the membership of the Committee, which Mr. Rhoads would chair. It was MOVED and SECONDED to approve the motion. The motion PASSED.

**C. Need to Reconsider/Update the Sole Criterion Created by the Board in September 2008 for Tar Refiner Representation on the Board (One Board Seat for Tar Refiners Producing over 75 Million Gallons per Year)**

Chairman Carlin directed the Board to Section VI.D on page 71 of the meeting materials, which is a page from the Minutes of the September 28, 2008, Meeting of the Board of Directors in Colorado Springs, CO (pages 69-72 of the meeting materials). This section explains a resolution the Board passed then that established a criterion for tar refiner

membership on the Board, with Koppers being the only tar refiner that has qualified since then. President Ailor noted that he had recently learned from Koppers that the company no longer meets this criterion.

One Board member asked whether the Board could rescind or revise the criterion. Mr. Menotti advised that it could.

A RESOLUTION was proposed that the Board rescind and withdraw the resolution of September 28, 2008, concerning tar refiner company membership on the Board and RESOLVE that the Board shall include no more than two (2) members from tar refiner member companies, as determined by the Board. The proposed Resolution was APPROVED.

**D. Possibility of Either Adding More Board Members per Article IV, Section 2 of ACCCI Bylaws, or Amending/Eliminating Section 2 (“The number of directors of the Corporation shall be no more than eighteen (18) and no less than twelve (12).”)**

Chairman Carlin led a discussion on this topic. Mr. Menotti explained that as the number of ACCCI’s “merchant” coke producer members declines, so will the number of Board members, so meeting this requirement may become impossible and achieving a quorum to conduct ACCCI’s business may be difficult. No decision was reached.

**E. Other Issues**

No other issues were discussed.

**VIII. MEETINGS UPDATE**

**A. MEETINGS CALENDAR**

Mr. Ailor updated those present on upcoming meetings of note (page 73 of the meeting materials), including the Fall 2019 Meeting of the MESH Committee on September 26-27, 2019, in the Birmingham, AL area; the Met Coke 2019 Conference on November 6-7, 2019, at the DoubleTree by Hilton Hotel Nashville Downtown in Nashville, TN; the 2019 Business Meeting of the Board of Directors on November 8, 2019, at the DoubleTree by Hilton Hotel Nashville Downtown in Nashville, TN; a tentative January 2020 Board conference call (if needed); and, the 2020 Annual Meeting on April 23-24, 2020, at the Westin Hilton Head Island Resort & Spa in Hilton Head Island, SC. Mr. Ailor noted that planning for ACCCI’s 2020 Annual Meeting had begun.

**B. Discussion on 2021 Annual Meeting Date/Location**

Mr. Ailor explained that ACCCI staff would like direction from the Board on when and where the 2021 Annual Meeting would be held. He referred those present to a document listing the locations where ACCCI meetings had been or would be held from 1995 – 2020 (pages 74-75 of the meeting materials). The Board asked Ms. Deitch to get proposals for the ACCCI 2021 Annual Meeting from The Resort at Longboat Key Club, Ponte Vedra Inn & Club, Doral Golf Resort, and the Omni Amelia Island Plantation. The Board will discuss the proposals at its November 2019 Business Meeting.

**C. Other Issues**

The Board reviewed the "ACCCI Coke Production Call Form" (page 76 of the meeting materials) to make sure the composite data ACCCI provides participating member companies are what they expect/need.

**IX. OLD AND NEW BUSINESS**

Chairman Carlin led a discussion about the need to backup ACCCI's electronic files and core historical files. The files discussed were the Minutes, Bylaws, key resolutions, ACCCI staff contracts, and technical documents. President Ailor responded that he has all such documents either in hard copy or electronically stored on his laptop and backed up on the cloud. The discussion included developing a Documents Maintenance Policy. Vice Chairman Bishop suggested the possibility of putting a task force of member companies' IT personnel together to look at developing such a Policy. No decisions were reached.

**X. EXECUTIVE SESSION**

The Board met in an executive session. It began at 11:00 AM EDT and ended at 11:55 AM EDT.

**XI. ADJOURNMENT**

There being no further business, the meeting was adjourned at 11:55 AM EDT.

Respectfully submitted,

/s/  
David C. Ailor, P.E., President

Approved,

/s/  
Rob Carlin, Chairman

/s/  
David E. Menotti, Esq., General Counsel

AMERICAN COKE AND COAL CHEMICALS INSTITUTE  
 MESH COMMITTEE FINANCIAL REPORT  
 MONTH ENDING OCTOBER 30,2019

<u>INCOME</u>		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
<u>GENERAL &amp; ADMINISTRATIVE:</u>		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
<u>INCOME</u>					
MESH Committee Meeting Registrations	16-3900-01	11,000.00	0.00	8,115.33	5,549.60
MESH Committee	16-4344-01	15,000.00	0.00	12,681.69	9,572.13

Imports 0081 - August19

Time			August 2019				August 2019 YTD				
Commodity	Measures		Count	QTY-1	Custom Val	CIF Val	Count	QTY-1	Custom Val	CIF Val	
	Country	District									
2704000011 Coke A Smck Of Cl Fr Fl Nt In Brqts Gt 100mm(50%) (t)	World Total	All Districts	1	15,433	5,941,751	6,400,751	8	26,291	10,085,886	11,104,136	
		Chicago, IL	1	15,433	5,941,751	6,400,751	8	26,291	10,085,886	11,104,136	
	Czech Republ	All Districts	1	15,433	5,941,751	6,400,751	1	15,433	5,941,751	6,400,751	
		Chicago, IL	1	15,433	5,941,751	6,400,751	1	15,433	5,941,751	6,400,751	
	Italy	All Districts					6	587	241,155	341,405	
		Chicago, IL					6	587	241,155	341,405	
	Poland	All Districts					1	10,271	3,902,980	4,361,980	
		Chicago, IL					1	10,271	3,902,980	4,361,980	
	2704000025 Coke/semicoke Of Coal, Nesoi (t)	World Total	All Districts	10	3,647	738,500	776,945	350	30,186	8,045,140	8,804,068
			Buffalo, NY					1	22	5,337	5,487
Charleston, SC			2	288	100,496	108,822	16	2,566	1,227,871	1,323,446	
Chicago, IL			1	3,206	599,554	624,554	1	3,206	599,554	624,554	
Detroit, MI			6	145	31,450	34,444	327	11,899	3,078,408	3,670,485	
New Orleans, LA							1	1,501	881,470	881,471	
New York City, NY			1	8	7,000	9,125	3	15	14,000	20,125	
Savannah, GA							1	10,977	2,238,500	2,278,500	
Canada		All Districts	7	3,351	631,004	658,998	329	15,127	3,683,299	4,300,526	
		Buffalo, NY					1	22	5,337	5,487	
		Chicago, IL	1	3,206	599,554	624,554	1	3,206	599,554	624,554	
		Detroit, MI	6	145	31,450	34,444	327	11,899	3,078,408	3,670,485	
Chile		All Districts					1	10,977	2,238,500	2,278,500	
		Savannah, GA					1	10,977	2,238,500	2,278,500	
China		All Districts					1	20	11,232	13,232	
		Charleston, SC					1	20	11,232	13,232	
Japan		All Districts	2	288	100,496	108,822	9	1,822	637,106	690,181	
		Charleston, SC	2	288	100,496	108,822	9	1,822	637,106	690,181	

	South Africa	All Districts					7	2,225	1,461,003	1,501,504
		Charleston, SC					6	724	579,533	620,033
		New Orleans, LA					1	1,501	881,470	881,471
	United Kingdom	All Districts	1	8	7,000	9,125	3	15	14,000	20,125
		New York City, NY	1	8	7,000	9,125	3	15	14,000	20,125
2704000050 Coke/semicoke Of Lignite Or Peat; Retort Carbon (t)	World Total	All Districts	2	1,521	778,891	845,169	14	6,510	4,002,136	4,314,269
		Baltimore, MD	1	20	17,760	20,260	1	20	17,760	20,260
		Charleston, SC					5	560	446,537	492,911
		New Orleans, LA	1	1,501	761,131	824,909	4	5,853	3,418,482	3,668,791
	New York City, NY					4	77	119,357	132,307	
	China	All Districts					2	45	49,886	55,886
		New York City, NY					2	45	49,886	55,886
	Egypt	All Districts					1	13	41,971	46,821
		New York City, NY					1	13	41,971	46,821
	Hong Kong	All Districts					1	19	27,500	29,600
		New York City, NY					1	19	27,500	29,600
	South Africa	All Districts	2	1,521	778,891	845,169	10	6,433	3,882,779	4,181,962
		Baltimore, MD	1	20	17,760	20,260	1	20	17,760	20,260
		Charleston, SC					5	560	446,537	492,911
		New Orleans, LA	1	1,501	761,131	824,909	4	5,853	3,418,482	3,668,791
	World Total	All Districts	181	66,998	8,878,889	9,896,569	1,227	289,665	43,747,825	46,646,942
		Buffalo, NY	1	87	3,807	4,007	3	257	11,290	11,890
Cleveland, OH		5	0	0	0	44	0	0	0	
Detroit, MI		19	1,565	72,820	80,220	144	12,182	534,590	592,790	
Duluth, MN		37	2,923	249,269	256,669	257	20,303	1,731,409	1,782,809	
Houston-Galvesto		19	507	178,437	180,107	152	3,694	1,289,857	1,299,908	
Los Angeles, CA		26	0	0	0	161	0	0	0	
Mobile, AL		3	0	0	0	33	0	0	0	
New Orleans, LA		8	40,949	5,636,872	6,633,481	99	155,995	26,465,939	28,699,438	
New York City, NY		9	0	0	0	48	0	0	0	
Pembina, ND		22	467	175,184	179,584	27	633	209,584	214,884	
Philadelphia, PA	9	0	0	0	115	0	0	0		

	Port Arthur, TX	6	20,500	2,562,500	2,562,501	60	58,699	8,756,233	9,295,298
	Portland, ME					1	37,642	4,648,823	4,648,824
	San Francisco, CA	12	0	0	0	58	0	0	0
	Seattle, WA	2	0	0	0	11	260	100,100	101,101
	St. Louis, MO	3	0	0	0	14	0	0	0
Algeria	All Districts					14	0	0	0
	New York City, NY					6	0	0	0
	Philadelphia, PA					8	0	0	0
Argentina	All Districts	1	24,108	3,531,763	4,528,371	6	121,692	21,552,534	23,780,716
	Houston-Galveston, TX					1	0	0	0
	New Orleans, LA	1	24,108	3,531,763	4,528,371	5	121,692	21,552,534	23,780,716
Brazil	All Districts	11	27	11,070	11,071	45	54	23,490	23,492
	Houston-Galvesto	2	27	11,070	11,071	5	54	23,490	23,492
	Los Angeles, CA	5	0	0	0	21	0	0	0
	Mobile, AL	1	0	0	0	6	0	0	0
	New Orleans, LA					1	0	0	0
	San Francisco, CA	3	0	0	0	12	0	0	0
Canada	All Districts	94	5,042	501,080	520,480	505	33,375	2,486,873	2,602,373
	Buffalo, NY	1	87	3,807	4,007	3	257	11,290	11,890
	Cleveland, OH	5	0	0	0	37	0	0	0
	Detroit, MI	19	1,565	72,820	80,220	144	12,182	534,590	592,790
	Duluth, MN	37	2,923	249,269	256,669	257	20,303	1,731,409	1,782,809
	Houston-Galvesto	1	0	0	0	5	0	0	0
	New York City, NY	3	0	0	0	6	0	0	0
	Pembina, ND	22	467	175,184	179,584	27	633	209,584	214,884
	San Francisco, CA	2	0	0	0	4	0	0	0
	Seattle, WA	1	0	0	0	8	0	0	0
China	All Districts	1	480	167,367	169,036	7	5,554	1,922,123	1,938,488
	Houston-Galvesto	1	480	167,367	169,036	4	3,640	1,266,367	1,276,416
	New Orleans, LA					2	1,654	555,656	560,971
	Seattle, WA					1	260	100,100	101,101

2713110000 Petroleum Coke, Not Calcined (t)	Colombia	All Districts	7	0	0	0	39	37,642	4,648,823	4,648,824
		Houston-Galvesto	2	0	0	0	14	0	0	0
		Los Angeles, CA	3	0	0	0	13	0	0	0
		Mobile, AL	1	0	0	0	7	0	0	0
		New Orleans, LA					2	0	0	0
		Philadelphia, PA	1	0	0	0	1	0	0	0
		Port Arthur, TX					1	0	0	0
		Portland, ME					1	37,642	4,648,823	4,648,824
	Congo (Brazzaville)	All Districts	1	0	0	0	1	0	0	0
		Los Angeles, CA	1	0	0	0	1	0	0	0
	Ecuador	All Districts	8	0	0	0	37	0	0	0
		Houston-Galveston, TX					3	0	0	0
		Los Angeles, CA	3	0	0	0	18	0	0	0
		New Orleans, LA	1	0	0	0	2	0	0	0
		San Francisco, CA	4	0	0	0	14	0	0	0
	Egypt	All Districts	1	0	0	0	24	0	0	0
		New Orleans, LA					1	0	0	0
		New York City, NY	1	0	0	0	14	0	0	0
		Philadelphia, PA					9	0	0	0
	Equatorial Guinea	All Districts	1	0	0	0	4	0	0	0
		Los Angeles, CA	1	0	0	0	3	0	0	0
		New Orleans, LA					1	0	0	0
	Ghana	All Districts	2	0	0	0	3	0	0	0
		Los Angeles, CA	1	0	0	0	2	0	0	0
		New York City, NY	1	0	0	0	1	0	0	0
	Guatemala	All Districts	1	0	0	0	7	0	0	0
		Houston-Galvesto	1	0	0	0	7	0	0	0
	Iraq	All Districts	6	0	0	0	113	0	0	0
		Houston-Galveston, TX					32	0	0	0
		Los Angeles, CA	6	0	0	0	41	0	0	0
		New Orleans, LA					25	0	0	0
		Port Arthur, TX					5	0	0	0

	San Francisco, CA					10	0	0	0
Kazakhstan	All Districts					9	0	0	0
	Philadelphia, PA					9	0	0	0
Kuwait	All Districts	4	0	0	0	36	0	0	0
	Houston-Galveston, TX					1	0	0	0
	Los Angeles, CA	4	0	0	0	20	0	0	0
	New Orleans, LA					15	0	0	0
Libya	All Districts	3	0	0	0	16	0	0	0
	New York City, NY					13	0	0	0
	Philadelphia, PA	3	0	0	0	3	0	0	0
Mexico	All Districts	10	0	0	0	70	0	0	0
	Houston-Galvesto	5	0	0	0	27	0	0	0
	Los Angeles, CA					3	0	0	0
	New Orleans, LA					1	0	0	0
	Port Arthur, TX	5	0	0	0	39	0	0	0
Netherlands	All Districts					2	0	0	0
	Houston-Galveston, TX					2	0	0	0
Nigeria	All Districts	4	0	0	0	17	0	0	0
	Cleveland, OH					7	0	0	0
	Houston-Galvesto	2	0	0	0	2	0	0	0
	Mobile, AL					4	0	0	0
	New York City, NY	2	0	0	0	4	0	0	0
Norway	All Districts	3	0	0	0	33	0	0	0
	New York City, NY	2	0	0	0	4	0	0	0
	Philadelphia, PA	1	0	0	0	29	0	0	0
Oman	All Districts	2	37,341	4,667,609	4,667,611	4	74,098	9,905,482	9,905,486
	New Orleans, LA	1	16,841	2,105,109	2,105,110	2	32,649	4,357,749	4,357,751
	Port Arthur, TX	1	20,500	2,562,500	2,562,501	2	41,449	5,547,733	5,547,735
Russia	All Districts	9	0	0	0	56	0	0	0
	Houston-Galvesto	1	0	0	0	2	0	0	0
	Los Angeles, CA	1	0	0	0	5	0	0	0
	New Orleans, LA	3	0	0	0	15	0	0	0

	Russia	Philadelphia, PA					24	0	0	0
		Port Arthur, TX					1	0	0	0
		San Francisco, CA	3	0	0	0	8	0	0	0
		Seattle, WA	1	0	0	0	1	0	0	0
	Saudi Arabia	All Districts	9	0	0	0	130	0	0	0
		Houston-Galvesto	4	0	0	0	35	0	0	0
		Los Angeles, CA	1	0	0	0	34	0	0	0
		New Orleans, LA					15	0	0	0
		Philadelphia, PA	4	0	0	0	32	0	0	0
		Port Arthur, TX					3	0	0	0
		San Francisco, CA					10	0	0	0
		Seattle, WA					1	0	0	0
	Trinidad and	All Districts	2	0	0	0	10	0	0	0
		Houston-Galveston, TX					5	0	0	0
	United Kingdo	New Orleans, LA	2	0	0	0	5	0	0	0
		All Districts	1	0	0	0	6	17,250	3,208,500	3,747,563
		Houston-Galveston, TX					2	0	0	0
		Mobile, AL	1	0	0	0	3	0	0	0
	Venezuela	Port Arthur, TX					1	17,250	3,208,500	3,747,563
		All Districts					33	0	0	0
		Houston-Galveston, TX					5	0	0	0
		Mobile, AL					13	0	0	0
		New Orleans, LA					7	0	0	0
		Port Arthur, TX					8	0	0	0

c. MEMBERSHIP REPORT

As reported at the ACCCI 2019 April Board Meeting, ACCCI welcomed Fluid Power Technologies as a new member on February 20, 2019. 2019 Company dues payments have been received with the exception of one company who has not paid their 2019 Company Dues.

A motion was made during the ACCCI 2019 April Board Meeting to appoint Dave Schoen as Chair of the Membership Committee. It was **MOVED** and **SECONDED** to approve the motion. The motion **PASSED**. Dave Schoen is the new Membership Chair. In early September, Dave sent out an “ACCCI New Membership Initiative” email to the members of the Membership Committee. The Membership Committee members are: Dave Schoen, Mike Rhoads, Matt Kraeuter, Ron Burnette, and Rob Gray. David Menotti will be consulted as necessary. Dave’s email detailed his understanding of “Obstacles to Membership” in ACCCI. He reached out to the Committee members for their thoughts on what other obstacles (in addition to the ones he detailed in his initial email) they believed the Committee needed address. He also asked the Committee for their thoughts on how the Committee and ACCCI could address the identified obstacles. Dave asked everyone to begin a list of business partners (Facility contractors, transportation, coal, by-product customers, etc.) that the Committee and ACCCI should target for new membership. Dave asked, “if Committee members have experience to draw upon in terms of what works well to get the eventual buy-in behind this initiative from the general membership of ACCCI, to please don’t hesitate to let him know.” He said that Committee members can call him anytime.

As requested at all meetings and in keeping with Dave Schoen’s “New Membership Initiative”, Directors are urged to promote ACCCI membership based on business contacts.

## Associations of Which ACCCI Is a Member/ Regulatory-Focused Coalitions in Which ACCCI Participates

### ASSOCIATIONS

- **National Association of Manufacturers (NAM):\*** NAM is the largest manufacturing association in the United States, representing small and large manufacturers in every industrial sector and in all 50 states. Manufacturing employs nearly 12 million men and women, contributes more than \$2.17 trillion to the U.S. economy annually, has the largest economic impact of any major sector, and accounts for three-quarters of private-sector research and development. The NAM is the powerful voice of the manufacturing community and the leading advocate for a policy agenda that helps manufacturers compete in the global economy and create jobs across the United States.
- **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.

### COALITIONS

#### 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.
- **Coalition Commenting on OSHA's Rulemaking to Update Its Lockout/Tagout Standard:\***  
*On May 17, 2019, OSHA published a request for information (RFI) to modernize the Lockout/Tagout (LO/TO) standard to better promote worker safety, while reducing employer burden. The RFI seeks information on technological advancements, including new control circuit devices and robotic technologies, to consider as they look to update the LO/TO standard in order to reduce regulatory burdens and promote worker safety. To read the RFI, [click here](#).*

*In late June 2019, NAM reported to ACCCI and other NAM members that NAM was "... looking to get all our manufacturing associations together so we are one united front with a comment letter that carries great weight to influence the LO/TO proposed rule via this RFI comment period." Soon thereafter, based on the consensus opinion of ACCCI's newly created "Coalitions Task Force" that ACCCI should join this coalition, ACCCI did so. During July 2019, the coalition moved forward with development of draft comments.*

*On August 19, 2019, the comment deadline, NAM submitted [comments](#) to OSHA on behalf of the coalition. The comments urged OSHA to allow manufacturers to continue to rely on the current standard, but to also allow for the use of controlled circuit devices and the use of robotics.*

### 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.
- **Clean Power Plan (CPP) Repeal Rule Coalition**:\* On October 16, 2017, EPA proposed to repeal the stayed Obama EPA's Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units, commonly referred to as the Clean Power Plan (CPP), as promulgated on October 23, 2015 (82 Fed. Reg. 48035). During November 2017, ACCCI joined the CPP Repeal Rule Coalition, which is led by the National Association of Manufacturers (NAM) of which ACCCI is a member and the U.S. Chamber of Commerce, in commenting on the proposed CPP Repeal Rule. The deadline for commenting was April 26, 2018.
- **Clean Power Plan (CPP) Replacement Rule Coalition**:\* On December 28, 2017, EPA issued an **Advanced Notice of Proposed Rulemaking (ANPRM)** seeking comment on the "next steps" to replace the CPP (82 Fed. Reg. 61507). The ANPRM is a separate, but related, action to the October 16, 2017, proposal to repeal the CPP. EPA has proposed to determine that the CPP exceeds EPA's statutory authority under the Clean Air Act (CAA). In the ANPRM, EPA specifically solicited information on systems of emission reduction that are applicable to or at an EGU facility, information on compliance measures, and information on state-planning requirements under CAA Section 111(d). Comments were due on February 26, 2018, and ACCCI joined a coalition led by the National Association of Manufacturers (NAM) of which ACCCI is a member and the U.S. Chamber of Commerce, in commenting on it.
- **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 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.

In early February 2018, ACCCI joined an "ad hoc" coalition of the FWQC focused on litigation in Maine that pertains to EPA decisions regarding the issuance of human health water quality standards. FWQC counsel recommended that this coalition "... file an amicus brief, to ensure that the court understands the concerns of the regulated community about EPA's positions, and to point out the potential national implications of the issues being raised in the Maine case." On February 28, 2018, with the blessing of ACCCI's Coal Chemicals Environmental and MESH Environmental subcommittees, ACCCI joined the "ad hoc" coalition filing an amicus brief. Counsel filed the coalition's brief on March 2, 2018.

- **Coalition Commenting on EPA's "Once In, Always In" (OIAI) Proposal:\*** On July 26, 2019, EPA published a proposed rule, "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act" (84 FR 36304), to end the "Once In, Always In" policy that EPA established in 1995. Under that policy, any facility subject to major source standards would always remain subject to those standards even if production processed changed. EPA explained that the proposal would "... implement the clear language of the Clean Air Act that allows a 'major source' of hazardous air pollutants (HAP) to reclassify as an 'area source' after acting to limit emissions to below the levels that define major sources." The proposed rule, a fact sheet, and an explanatory memorandum from Bill Wehrum, then the EPA Assistant Administrator for Air and Radiation, can be found [here](#).

Soon after proposal, based on the consensus opinion of ACCCI's newly created "Coalitions Task Force," ACCCI accepted an invitation to "... collaborate with the Air Permitting Forum in preparing comments..." on the proposal. Counsel to the coalition submitted comments to EPA on the September 24 comment deadline.

- **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.
- **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 Coalition:\*** The Ozone NAAQS Coalition, which is managed by the same counsel who manages the NAAQS Implementation Coalition (NIC) of which ACCCI is also a member (Joe Stanko (Hunton & Williams)), has a different mission from NIC and is "separate and apart" from it. 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 for its members against outdated EPA policies and models that contribute to these challenges. The Ozone NAAQS Coalition, on the other hand, which is

comprised of most/all of the same trade associations, companies, and other entities as NIC, advocates for its members on the stringency of NAAQS.

The current focus of the Coalition, which is the only industry coalition in Washington, D.C. advocating on the stringency of NAAQS, is the Ozone NAAQS. However, its focus will shift to the PM NAAQS as EPA shifts its attention to the stringency of that NAAQS. In late 2017, ACCCI's Coal Chemicals Environmental and MESH Environmental subcommittees decided that ACCCI would join the Coalition on a "shared cost" basis, with ACCCI's annual dues (\$5,000/year) coming from ACCCI's annual budget.

- **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.
- **PM NAAQS Research Coalitions:**\* In July 2018, ACCCI joined two separate but related coalitions that are conducting research on methodology for measuring condensable PM and health effects related to PM exposure, the results from which would be used to inform upcoming EPA decisionmaking related to the PM NAAQS. The PM health effects coalition is engaged in planning for a Causality Symposium scheduled for October 3-4 in Chapel Hill, NC. A dozen EPA representatives are registered to attend, and the coalition hopes to get a greater variety of stakeholders and academics. Details on the Symposium, including the agenda, can be viewed at <http://pmcausalitysymposium.org/>.
- **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).
- **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), is 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), is 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.

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\* Shared-Cost Coalition

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# ACCCI "ISSUES UPDATE" September 1-30, 2019

## Environment

**EPA's Coke Pushing, Quenching, and Battery Stack (PQBS) NESHAP.** On August 16, EPA proposed to amend the 2003 National Emission Standards for Hazardous Air Pollutants (NESHAP) for Integrated Iron and Steel Manufacturing Facilities. The

Agency explains that "EPA is proposing no significant changes to the original NESHAP for this source category as a result of the residual risk and technology review and has determined the standards continue to provide an ample margin of safety to protect public health and the environment. The proposal can be viewed at <https://www.govinfo.gov/content/pkg/FR-2019-08-16/pdf/2019-17349.pdf>. On September 30, the comment deadline, AISI alerted ACCCI that EPA was extending the comment period by 30 days. The **Coke Oven Environmental Task Force (COPETF), which ACCCI oversees, plans to comment** on the coke-related modeling files available in the rulemaking docket.

In another RTR rulemaking, on September 6, EPA proposed **amendments to the NESHAP for Plywood and Composite Wood Products (PCWP)**. 84 Fed. Reg. 47074. The amendments come as a result of EPA's residual risk and technology review (RTR) for this sector. EPA is proposing to amend provisions addressing periods of startup, shutdown, and malfunction (SSM); add provisions regarding electronic reporting; add repeat emissions testing requirements; and make technical and editorial changes. The comment period closes on October 21.

And, on September 9, EPA **proposed revisions to the NESHAP for Cellulose Products Manufacturing**. 84 Fed. Reg. 47346. EPA is proposing to amend provisions addressing SSM provisions; to add provisions regarding periodic emissions testing and electronic reporting; to provide more flexibility for monitoring requirements; and to make technical and editorial changes. The comment period closes on October 9.

**Startup, Shutdown and Malfunction (SSM) Provisions in MACT Standards.** During September, the SSM Coalition of which ACCCI is a member **decided to comment on the above referenced PCWP RTR proposal**. The comments will focus solely on EPA's plans to amend provisions addressing periods of startup, shutdown, and malfunction (SSM). As in prior Coalition comments, the comments will argue that EPA need not eliminate the SSM exemption in the current PCWP MACT but, if it does, it has the authority to provide alternative standards for periods of SSM, as it has proposed. As in the past, the comments will say that the Coalition is not in a position to comment on the specifics of those alternative standards, but supports the need for EPA to account for SSM conditions in standard-setting as it has proposed.

**EPA's "Once In, Always In" (OIAI) Proposal.** During July, ACCCI accepted an invitation to "... collaborate with the Air Permitting Forum in preparing comments..." on a July 26, **EPA proposed rule "Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act"** (84 FR 36304). The Federal Register notice is available at <https://www.federalregister.gov/documents/2019/07/26/2019-14252/reclassification-of-major-sources-as-area-sources-under-section-112-of-the-clean-air-act>. On September 23, the day before the comment deadline, coalition counsel alerted the coalition that EPA was extending the comment period by 30 days.

**Global Climate Change.** According to recent survey by the Yale Program on Climate Change Communication and the George Mason University Center for Climate Change Communication, climate change is now a **top voting priority within a major political party for the first time in American history**. Climate change first came to presidential attention in the 1960s, first to President John F.

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Kennedy and then to President Lyndon Johnson. After 1997, climate change became increasingly partisan, when Democrats became more and more convinced that it was happening, while Republicans became more doubtful and even dismissive of climate science.

On September 3, Lawrence Wong, Singapore's Second Minister for Finance, told Parliament that **funding for Singapore's projected \$100 billion (\$72 billion) climate-change protection measures will come from sources including ministry budgets, borrowing and reserves.** Ministries will fund small-scale measures like flood barriers, while longer-lived infrastructure will be funded by borrowing and land reclamation to be funded by reserves. When reclaimed land is eventually sold, the proceeds will go back to reserves, so it will not a draw on reserves.

It was announced on September 3 that **Prince Harry is partnering with travel companies in a sustainability initiative.** The initiative, called Travalyst, reportedly includes Booking.com, TripAdvisor, Visa, Ctrip and Skyscanner. It will focus on the travel industry's impact on climate change, as well as improving wildlife conservation and finding ways to better protect the environment in popular tourist spots.

On September 4, a coalition of nine coastal states told the Fourth Circuit in a brief that **state courts have the authority to preside over litigation filed by local governments over climate change** even though its effects are felt across the country and the federal government has taken some steps to address it. The states, led by Maryland, say a suit by the city of Baltimore's suit against major oil and gas companies should stay in state court because the toll of climate change is felt at the local level though phenomena like rising sea levels and urban heat islands. The brief was filed by California, Connecticut, Maryland, New Jersey, New York, Oregon, Rhode Island, Vermont and Washington.

On September 4, just before a CNN "Climate Forum" featuring 10 Democratic Presidential candidates, **President Trump tweeted that CNN would likely ignore key "facts."** He continued by listing points defending the role his Administration has played in cleaning the country's air and reducing emissions.

During the Forum, the candidates proposed **plans that were notable for what they would and would not ask Americans to sacrifice to meet their goals.** There was broad agreement on transitioning to LED light bulbs and electric cars, but less so on what to do with vehicles already on the road.

According to a new study published on September 5 by BloombergNEF for the United Nations Environment Program and Frankfurt School's UNEP Center, **investment in new renewable energy is on course to total \$2.6 trillion in the years from 2010 through the end of 2019.** Falling costs of wind and solar power plants is making more projects in new markets economically competitive with generation fed by fossil fuels.

On September 6, in a lawsuit where the city and county of Boulder and the County of San Miguel, CO, are seeking to recover damages from Exxon and Suncor Energy under state law for the companies' **alleged role in "causing, contributing to and exacerbating climate change,"** the District of Colorado ruled in favor of the plaintiffs. The court **rejected the companies' argument that the case belongs in Federal court** because it requires a determination whether the benefits of fossil fuel use outweigh its costs not just in Colorado, but on a global scale. Plaintiffs assert six state law claims: public nuisance, private nuisance, trespass, unjust enrichment, violation of the Colorado Consumer Protection Act, and civil conspiracy.

And, on September 6, Yves Giraud, the head of hydropower for Électricité de France S.A. (EDF), a French electric utility company largely owned by the French state, said at a briefing in Paris that **EDF sees "no strong impact" by climate change on hydropower output in France over the next three decades.** But, climate change may bring reduced rainfalls to Southwestern France. EDF manages 20.5 GW of hydro concessions in France, including 2.5 GW that have or will expire by the end of 2019.

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On September 6, the Trump Administration launched an **all-out assault on California over automotive mileage rules**. It told state officials that only the Federal government has the power to regulate greenhouse gas emissions and fuel economy. The assault began with the Justice Department opening an antitrust investigation into a deal between California and four automakers for tougher pollution and related mileage requirements than those sought by President Donald Trump. Then, two Federal agencies told the state it has no authority to regulate greenhouse gas emissions.

On September 9, Senator Ben Cardin (D-MD) introduced a **resolution (S.J. Res. 53) that would block implementation of EPA's rule replacing the Obama era Clean Power Plan (CPP)**. On July 8, 2019, EPA issued a final rule repealing and replacing the CPP, one of President Obama's landmark environmental protection rules. 84 Fed. Reg. 32520. The rule became effective on September 6. Unlike the CPP, the Affordable Clean Energy (ACE) rule does not set limits on emissions from coal-fired utilities. Instead, EPA gives states latitude in determining how to control emissions of GHG emissions from coal-fired power plants within their borders and establishes emissions guidelines for states to use when developing plans to limit carbon dioxide at their coal-fired power plants and provides states with a list of applicable emissions control technology that power plants can use to ensure compliance with the rule.

On September 10, the House Small Business Subcommittee on Rural Development, Agriculture, Trade and Entrepreneurship held a **hearing on the clean energy economy**. In a notice, the Subcommittee stated that there are growing opportunities for small companies, including farmers, to respond to energy challenges through new and innovative solutions. The hearing allowed the Subcommittee to explore the economic opportunities for small businesses that come through efforts to address unpredictable weather patterns, reduce fossil fuel consumption, cut GHG emissions, and increase energy efficiency. Hearing information, witness testimony, and an archived webcast of the hearing are available [here](#).

The House Select Committee on the Climate Crisis held a **hearing on September 10 entitled "Solving the Climate Crisis: Manufacturing Jobs for America's Workers."** The hearing focused on what steps Congress can take to boost U.S. manufacturing of clean energy technologies and creating new manufacturing jobs. An archived webcast of the hearing is available [here](#).

A [new study](#) published by the Federal Reserve during September indicates that **climate change may lead to large swings in the incomes of U.S. retail workers**. The study suggests that income inequality could increase as retail employees, who account for about 10% of U.S. employment and whose pay or hours are tied to sales, find their work affected by more volatile weather patterns. Another [study published during August](#) concluded that slowing the pace of climate change in line with the Paris Agreement would have clear economic benefits as global warming is increasingly seen as a risk to financial stability and the economy.

On September 11, the **bipartisan Climate Leadership Council (CLC) released a [more detailed blueprint](#) for its carbon dividends plan**. CLC's plan calls for a \$40 tax to be levied on each ton of carbon dioxide, with the fee increasing at least 5% every year and proceeds rebated to American consumers. The tax would be imposed on carbon dioxide emissions at the mines and power plants whose products generate the greenhouse gas. CLC states that, if implemented in 2021, the plan would halve U.S. emissions of carbon dioxide by 2035, as compared to 2005 levels. The findings are based on recent modeling by Resources for the Future.

The White House announced that physicist William Happer, a well-known critic of mainstream climate science findings, was **stepping down as a member of the President's National Security Council**. Happer has served as an adviser for the past year. He was the point person for efforts to establish a special committee to review climate change and national security.

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According to a poll released on September 12 by The Associated Press-NORC Center for Public Affairs Research, **about two out of three Americans say corporations have a responsibility to combat climate change, and a similar share also say it's the job of the U.S. government.** But, 64% of Americans say they disapprove of Trump's policies toward climate change while about half that many say they approve. That 32% approval of his climate policies is the lowest among six issue areas that the poll asked about, including immigration (38 and health care (37%).

Treasury Secretary Steven Mnuchin said on September 12 that **electric cars will ultimately create a lot of environmental issues because of the batteries they use.** He said that climate change is very complicated and that the science is not always clear on various issues.

On September 12, during a hearing of the Senate Democrats' Special Committee on the Climate Crisis, **winter sports athletes and adventurers spoke about the consequences of a warming climate on their careers and lives.** Panelists included a ski mountaineer and adventurer, a former New York Rangers goaltender, a snowboarder and a professional climber.

The Bureau of Land Management released a final plan on September 12 that concludes that **damage to wildlife habitat from oil and gas drilling in the Arctic National Wildlife Refuge could be permanent and, when coupled with the impacts of climate change, lead to bird extinctions.** The plan applies to about 1.5 million acres of the Arctic coastal plain in northeast Alaska. Congress mandated in 2017 that the Arctic refuge be leased for oil.

And, the International Council on Clean Transportation (ICCT) reported on September 12 that **U.S. airlines are increasing their emissions of climate-changing gases much faster than they are boosting fuel efficiency.** ICCT said that carbon dioxide emissions and fuel burning rose 7 percent from 2016 to 2018, overshadowing a 3 percent gain in fuel efficiency. The report's authors said that airlines could reduce emissions and fuel consumption more than 25 percent by buying newer planes and filling them with more passengers. Frontier was the most efficient among the 11 largest U.S. airlines, while JetBlue was least.

On September 13, **Greta Thunberg, the Swedish teenager who helped launch a youth-driven push for climate change, joined about 1,500 protesters,** many of them schoolchildren, in marching and chanting near the White House. They were calling for immediate action from the world's governments to halt global warming, reduce fossil fuel consumption and avert environmental catastrophe.

Also, Democrats on the House Energy and Commerce Committee released a plan with a 2050 deadline to eliminate the country's climate-warming emissions. The plan is more ambitious than past proposals from Democratic leadership in Congress but still falls short of plans from Rep. Alexandria Ocasio-Cortez (D-NY) and others who support the Green New Deal.

According to a report released on September 13 by the Organization for Economic Co-Operation and Development, **funding for projects to combat climate change in the poorest nations rose to more than \$70 billion in 2017.** In 2010, the total was about \$10 billion.

NASA scientists say that **climate change is making wildfires such as those plaguing California more likely and harder to stop.** "We're living in a warming and a drier world, and with climate change we're going to continue to see conditions that make fires more likely," Doug Morton, Chief of the Biospheric Sciences Laboratory at NASA's Goddard Space Center, said in a mid-September broadcast. California leads the nation in wildfire risk, with more than a quarter of the state's properties considered at high-to-extreme peril, according to the Insurance Information Institute, a New York-based industry group. New York. **Utilities there have begun shutting off power proactively to help prevent forest fires on days when the risk is high, impacting millions of customers.**

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A poll that CBS released in mid-September indicates that **56 percent of those polled favor immediate action on climate change. Seventy percent say human activity contributes to climate change and 67 percent say we can do something about it.** Ninety-one percent acknowledged climate change is occurring. About 80 percent said they trust scientists a lot or somewhat on climate, and two-thirds said they trust local meteorologists or forecasters. A majority of self-identified Democrats agreed with the scientific consensus while a majority of Republicans said they believed there is disagreement among scientists.

On September 16, **Consolidated Edison filed a petition in the D.C. Circuit Court of Appeals to challenge EPA's new Affordable Clean Energy Rule.** The utility is joining a coalition of public and private electric utility companies challenging the final rule because it believes that EPA's rollback of the Obama EPA's Clean Power Plan is the wrong approach to combat climate change. It also says that the rollback undermines the company's own efforts to achieve meaningful reductions in greenhouse gas emissions.

On September 17, Duke Energy announced that it **plans to invest heavily in renewable energy and natural gas powered plants to further reduce its carbon emissions by 2030.** Duke plans to double its portfolio of solar, wind and other renewable power sources by 2025 and accelerate its move away from coal power. It now expects to cut its 2005 levels of carbon emissions in half by 2030. Previously, its goal was to reduce carbon emissions by 40 percent by that date.

The U.S. Court of Appeals for the D.C. Circuit **dismissed cases on September 17 that had been pending since 2015 targeting EPA's Clean Power Plan (CPP).** Consolidated into *West Virginia v. EPA*, D.C. Cir., Case No. 15-1363, the cases were brought in challenge to or support of EPA's CPP rule. Because the Trump Administration has issued a rule replacing the CPP – the Affordable Clean Energy (ACE) rule – those cases are now moot, the court ruled.

Also on September 17, a coalition of unions including United Mine Workers of America, the International Brotherhood of Electrical Workers AFL-CIO, and the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers & Helpers AFL-CIO, **moved to intervene in support of EPA in litigation challenging the Agency's repeal of the Obama EPA's Clean Power Plan.** The coalition told the court hearing the case, the U.S. Court of Appeals for the D.C. Circuit, that their members' jobs, wages, and benefits would suffer without the rollback of the plan.

**Former President Obama met with Greta Thunberg on September 17** as part of her visit to Washington, D.C. to lobby lawmakers on environmental issues. Obama tweeted that "Just 16, @GretaThunberg is already one of our planet's greatest advocates. Recognizing that her generation will bear the brunt of climate change, she's unafraid to push for real action. She embodies our vision at the @ObamaFoundation: A future shaped by young leaders like her."

On September 18, **Chevron urged the U.S. Court of Appeals for the Fourth Circuit to keep a climate change suit involving Baltimore in Federal court.** It argued that the issues of transboundary air pollution and greenhouse gas emissions necessarily implicate federal law. The Ninth Circuit and the Second Circuit are also currently weighing similar arguments in climate change-related lawsuits they are hearing.

A new paper released on September 18 reports that **climate change damages human health to the tune of billions of dollars every year.** The paper, which was co-authored by the Natural Resources Defense Council and the University of California, San Francisco, tracked 10 climate-related events in 2012, including Superstorm Sandy, ozone air pollution in Nevada, and a West Nile virus outbreak in Texas. Those events resulted in more than \$10 billion in health costs, some 900 deaths, 21,000 hospitalizations, and 18,000 emergency room visits.

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On September 18, Swedish climate activist **Greta Thunberg demanded that Congress "listen to the scientists" who are warning about the threat of global warming.** Speaking to the House Select Committee on the Climate Crisis and a House Foreign Affairs subcommittee, she made no prepared remarks, but provided as her testimony a 2018 United Nations report that warned of dire consequences for the planet if the atmosphere warmed to greater than 1.5 degrees Celsius above preindustrial levels. During her testimony, Rep. Garret Graves (R-LA), the top Republican on the House Select Committee, challenged her, arguing that higher-polluting countries should be doing more than others to reduce greenhouse gas emissions. Ross Eisenberg, Vice President of Energy and Resources Policy at the National Association of Manufacturers of which ACCCI is a member, spoke at the hearing. He said that reducing emissions would lead to dramatic "lifestyle changes across the economy." "It is not, however, impossible, and we are at that table for this reason," Eisenberg said.

Also on September 18, **Thunberg joined seven youth activists involved in a lawsuit against the U.S government arguing that Washington is not doing enough to stop climate change** on the steps of the Supreme Court. Reuters reported that Thunberg joined the activists on the steps of the courthouse for a demonstration where they urged lawmakers and other policy leaders to act on cutting back carbon emissions.

A coalition of farmers and ranchers, which held a joint press conference with lawmakers and climate activist groups on the steps of the Capitol on September 18, **urged lawmakers to support the Green New Deal.** The coalition said that it represents 10,000 of the millions of farmers and ranchers nationwide.

Also, a coalition of centrist House Democrats, who are seeking for greater bipartisanship in the climate debate, unveiled a **statement of principles on September 18, together with a list of 12 bills - seven of them bipartisan - that they believe will offer concrete solutions to climate change.** The policy recommendations set a goal of reaching net-zero greenhouse gas emissions by 2050 at the latest, a target that is in line with House Democratic leaders on the Energy and Commerce Committee. It stops short of the broader vision of the Green New Deal.

A new poll released by The Associated Press-NORC Center for Public Affairs Research on September 18 indicates that **about 70 percent of Americans think it is at least moderately likely the world will take action in the next decade to reduce emissions of heat-trapping carbon dioxide and other gases.** But, only about 30 percent think that it's very likely to happen. Two-thirds think pollution reduction would have at least some impact in preventing future warming, but only about a quarter think it would do a lot to keep climate change at bay. About 30 percent of Americans overall think even if emissions are cut back significantly it will do little or nothing to stop climate change.

And, **more than 100 House Democrats told President Trump on September 18 that a new NAFTA deal should include "binding climate standards" and be paired with a decision for the U.S. to remain part of the global Paris Climate Agreement.** Although the U.S. cannot formally exit the Agreement until 2020, Trump announced in June 2017 he'd be pulling out of the deal.

President Trump said on Twitter on September 18 that he had **decided to revoke California's power to limit carbon pollution from cars and light trucks.** He said that his decision to revoke the waiver would lower the sticker price for new vehicles. Shortly after Trump's tweet, the heads of EPA and the Transportation Department indicated that they would announce the move on September 19.

On September 19, EPA and the Transportation Department **formally revoked the California waiver, which will also affect 13 other states that adopt California's tougher emissions standards.** The Administration's action is part of a broader effort to roll back Federal rules requiring U.S. auto fleets to average nearly 51 miles per gallon by model year 2025. Trump officials have drafted a plan to freeze federal mileage standards at roughly 37 miles per gallon though model year 2026.

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Meanwhile, two Democratic senators – Senators Tom Carper (DE) and Ed Markey (MA) - **called for more automakers to join four car companies that have already pledged to meet stronger tailpipe emissions standards**, despite the Trump Administration's effort to roll back regulations. The four companies - Honda, Volkswagen, Ford and BMW of North America - announced a partnership with California in July to produce cars that meet higher emissions reduction standards.

On September 19, a group of more than 500 major institutional investors **called for governments to boost efforts to tackle climate change, warning that failure could have serious economic consequences**. Members of the group, which included banks, insurance companies and pension funds, said in a joint statement ahead of the upcoming U.N. climate summit in New York that current national commitments could lead to an "unacceptably high temperature increase that would cause substantial negative economic impacts."

Meanwhile, **nearly 800 teens have joined a pledge to not have children until the government addresses climate change**. Eighteen-year-old Emma Lim, from London, Ontario, Canada, launched the #NoFutureNoChildren pledge, and hundreds of American teens have reportedly joined in, according to Insider.

Penguin Press announced on September 19 that, in coming months, it would release **two books by Swedish climate change activist Greta Thunberg**. The first book to be released will be a collection of her speeches, "No One Is Too Small to Make a Difference," which will include her upcoming address at the U.N. Climate Action Summit in New York. It will be released in November. The second book, her memoir "Our House Is on Fire, which is co-written with her parents and sister, will be released next year.

Senate Democrats released a report on September 19 **outlining dozens of times the Trump Administration has censored or minimized climate science across the Federal government** at agencies including EPA and the Department of Homeland Security. Senator Debbie Stabenow (MI), ranking member of the Senate Agriculture Committee, also publicly released a list of more than 1,400 climate studies that Department of Agriculture researchers have published during the current administration after POLITICO reported that USDA buried its own research and failed to release its plan to study the issue. The matter is increasingly urgent for farmers and ranchers dealing with erratic and extreme weather.

On September 19, Democratic Presidential candidate Andrew Yang said that, if elected, he **would consider appointing former competitor Washington Governor Jay Inslee (WA) to serve as a climate czar in his Administration**. Yang said he would nominate an EPA administrator "that believes in the EPA," and attacked current EPA Administrator Andrew Wheeler. Yang' made the comments at an MSNBC climate forum held at Georgetown University.

And, Carbon Engineering Ltd., which is based in Squamish, British Columbia, announced on September 19 that it is **doubling the capacity of its proposed Direct Air Capture facility from 500,000 tons of carbon dioxide a year to 1 million tons and is estimating that construction could begin next year rather than 2021**. Carbon Engineering wants to be a leader in the nascent carbon dioxide removal sector, which can provide a service much like electricity or water treatment to firms whose greenhouse gas emissions are extremely difficult to remove at the source.

Also, Jeff Bezos reported that **Amazon has a carbon footprint that rivals that of a small country – 44.4 million metric tons of carbon dioxide in 2018 - but vowed to cut its use of fossil fuels**. He announced the formation of a new organization, the Climate Pledge, to meet the goals of the landmark Paris climate agreement 10 years early by, among other things, using electric vehicles.

On September 20, young people afraid for their futures **protested around the globe to implore leaders to tackle climate change**. Days before a U.N. climate summit of world leaders, the "Global Climate Strike" events were as small as two dozen activists in Seoul to as large as mass demonstrations in

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Australia that organizers estimated were the country's largest since the Iraq War began in 2003. Patagonia, Ben & Jerry's, Lush Cosmetics, and several other large eco-conscious brands closed their shops and gave their staff paid time off so their workers could participate. The nationwide shutdowns were the companies' effort to support the youth movement. Thousands of workers at Microsoft Corp. and Amazon walked out without their bosses' blessings.

That day, the House Energy and Commerce Committee's energy subcommittee held a **hearing to examine how to lower greenhouse gas emissions linked to buildings**. Carl Elefante, the immediate past president of the American Institute of Architects, estimates that about three-quarters of electricity in the U.S. and about a quarter of the country's natural gas is used to run buildings.

Democratic Governor Janet Mills of Maine unveiled the **membership of her Maine Climate Council on September 20**. The purpose of the 39-person Council is to recommend strategies for boosting renewable energy and reducing greenhouse emissions. Its members include representatives of industry, fishing and environmental groups. Co-chairs are Hannah Pingree, Director of the Governor's Office of Policy Innovation and the Future, and Maine Environmental Protection Commissioner Jerry Reid. Pingree said the future of "Maine's communities, our state's economy, and the lives and health of our citizens" depends on confronting climate change. The Council got started on the process on September 26.

Also on September 20, hundreds of scientists began an **effort to better understand the consequences of climate change on the fastest-warming part of the globe – the North Pole**. The scientists will spend the next 12 months drifting slowly across the pole, as scientists collect crucial observations on the water, the ice, the air and the living inhabitants, until summer melting finally sets the ship carrying them free. The Multidisciplinary drifting Observatory for the Study of Arctic Climate (MOSAIC) is the largest Arctic research project in history and one of humanity's greatest efforts to understand how melting at the pole will affect the rest of the planet.

On September 20, in a statement ahead of a report to be released in October, the Organization for Economic Cooperation and Development (OECD) said that the **world's biggest polluting countries are not doing enough to tax carbon consumption and encourage cleaner energy**. The statement, which OECD released on the same day as a climate protest said to involve millions of people worldwide, called for higher tax rates on coal, as well as international flights and shipping.

Also, California and 22 other states **filed a lawsuit in the U.S. District Court for the District of Columbia challenging the Trump Administration's decision to revoke California's right to set pollution limits on cars and light trucks**. The lawsuit is the latest salvo in an escalating legal and political fight between President Trump and California.

According to a report released by Boston-based EnergySage Inc. on September 20, in 2019 the **average cost for U.S. homeowners to install rooftop solar systems fell below \$3 per watt for the first time ever**. That's 23 percent lower than five years ago, according to EnergySage.

Democratic Presidential candidates participated in a **two-day climate forum hosted by MSNBC in the same timeframe as the Global Climate Strike**. Hosts Chris Hayes and Ali Velshi asked most of the candidates how they would prioritize climate change if they occupied the Oval Office given they have spent months focusing their campaign on a broader set of issues.

On September 21, fresh off the Global Climate Strike, **youth leaders gathered at the U.N. to demand radical moves to fight climate change**. More than 700 mostly young activists attended the first-of-its-kind Youth Climate Summit, which presaged a climate conference the week of September 23 at the U.N. General Assembly. Elsewhere, on September 22, about 250 people gathered to climb a mountain and hold a funeral for a dwindling glacier in Switzerland being lost due to the impact of climate change.

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On September 22, **former Secretary of State John Kerry urged China and India to step up in the fight against climate change and fill in the role previously held by the U.S.** Kerry, in a Washington Post op-ed, said "This month, India announced it is making strong progress on its massive 175 gigawatts of new installed renewable capacity by 2022; 99 percent of electric buses currently on the road are in China, thanks to ambitious national policies."

As of September 23, **only three of the world's 10 biggest banks had signed on to the United Nations' Principles for Responsible Banking.** In addition to those three banks - Citigroup Inc., Mitsubishi UFJ Financial Group and Industrial and Commercial Bank of China - 130 global financial firms have signing on and, by doing so, have agreed to align their business with international efforts to address climate change and other environmental issues.

On September 23, **world leaders began meeting in New York for the U.N. Climate Summit.** The summit's primary aim was political, not legal. In 2014, then-U.N. Secretary General Ban Ki-moon convened the first Summit to push nations toward consensus on the Paris Climate Agreement, which was concluded in December 2015. President Trump made a surprise, but brief appearance at the Summit. China's Foreign Minister Wang Yi took a verbal swipe at President Trump, saying the world would continue to fight global warming without him. Greta Thunberg spoke to the world leaders in attendance. Her message: "How dare you?" She implored the leaders to "listen to the scientists," just like she had done to members of Congress the week before. She warned that if the world continued with business as usual, her generation would face an insurmountable catastrophe. Fox News host Laura Ingraham commented that "The adults who've brainwashed these kids should be brought up on charges of child abuse." Fox News apologized after a guest brought on to discuss climate change, Michael Knowles, called Thunberg a "mentally ill Swedish child who is being exploited by her parents" and the left.

Late on September 23, **President Trump mocked Thunberg on Twitter**, tweeting "She seems like a very happy young girl looking forward to a bright and wonderful future. So nice to see!" Thunberg acknowledged Trump's tweet on September 24, changing her Twitter biography to read, "A very happy young girl looking forward to a bright and wonderful future."

Climate change protesters, marching under the name "Shut Down D.C.," shut down several intersections in Washington, DC during the September 23 morning rush hour. D.C. police arrested 26 protesters across the city for blocking traffic, while U.S. Capitol Police arrested six others near the Capitol. **The protesters were demanding immediate government action on climate change.** They were planning to hold a repeat protest on September 27.

The **Seattle City Council voted unanimously on September 23 for an ordinance to phase out the use of home heating oil in the city.** The ordinance, from Mayor Jenny Durkan, hits home heating oil with a 23.6 cents per gallon tax beginning in September 2020, and then requires "that all heating oil storage tanks in Seattle are either decommissioned or replaced with a modern tank no later than December 31, 2028."

A poll released on September 23 indicates that **54 percent of adults surveyed from August 13-15 strongly or somewhat agree that corporations should take action to alter climate change impacts.** Fifty-one percent of those ages 18-29 want companies to engage in climate-based action, a smaller share than in other age demographics. And, 66 percent of Democrats and 47 percent of Republicans agree that companies should work on changing impacts from climate change.

On September 23, Senator Maria Cantwell (D-WA) introduced a **bipartisan, bicameral resolution to establish the week of September 23-September 27, 2019 as "National Clean Energy Week."** The resolution recognized innovative clean energy solutions and jobs as part of the energy future of the U.S.

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On September 24, the Energy Information Administration released a **report that concluded that oil will be key to meeting energy demand for decades**. Although renewables will be the fastest-growing energy source through 2050, petroleum and other liquids will see their use increase through 2050, even as their share of global energy demand declines to 27 percent from 32 percent over that period.

On September 24, EPA notified California via letter that it had failed to file complete plans for fighting conventional air pollution and might lose highway funding as punishment. The letter came only days after EPA said it would strip away two of the state's tools for fighting smog.

The U.S. Chamber of Commerce announced on September 24 that it was forming a "task force on climate action," charged with examining how the issue is affecting member companies' business decisions, among other issues. Historically, the Chamber has been reluctant to tackle the issue; 10 years ago, its reluctance prompted some companies to leave its membership.

EPA Administrator Andrew Wheeler said on September 24 that EPA is "limited" in regard to its "statutory authorities to address the issue" of climate change, adding that the Agency was working within the limits set by Congress. Wheeler also said he believes climate change is occurring but that he could not speak for President Trump on his views.

On September 24, New Mexico Governor Michelle Lujan Grisham (D) said her state would adopt new tailpipe greenhouse gas and zero-emission vehicle requirements starting in the 2022 model year. On September 25, Minnesota Governor Tim Walz (D) directed his state's environmental agency to begin drafting rules to cut tailpipe emission and bolster sales of electric cars, policies patterned on those set by California regulators.

In a new special report released on September 25, the U.N. Intergovernmental Panel on Climate Change announced that **sea levels are rising at an ever-faster rate as ice and snow shrink, and oceans are getting more acidic and losing oxygen**. It warned that if steps aren't taken to reduce emissions and slow global warming, seas will rise 3 feet by the end of the century, with many fewer fish, less snow and ice, stronger and wetter hurricanes and other, nastier weather systems.

A new peer-reviewed paper published in the journal Science Advances on September 25 concludes that **climate change-induced droughts will affect more than half of the world's wheat fields, leading to potential market upheavals and political unrest**. Wheat will be harder to grow because of more severe and prolonged water shortages. Sixty percent of current wheat growing areas could face droughts by the end of the century, if climate change isn't mitigated, compared with 15 percent today.

On September 26, Mothers Out Front announced that it was the **recipient of the 2019 United Nations Global Climate Action Award: Women for Results**. These awards help to shine a light on some of the most practical examples of what people across the globe are doing to combat climate change. Mothers Out Front was the only recipient in the United States.

The wealthy owners of the company that produces Fiji Water and Pom Wonderful are reportedly **donating \$750 million to the California Institute of Technology for climate change research**. The donation would be the second-largest donation ever to an American university to combat climate change. The funds will be used to build a research center that will support a range of projects centered on mitigating climate change.

In a report released on September 26, the insurance brokerage and consultant Marsh & McLennan Cos. said that **long-term exposure to air pollution from U.S. fires "can dwarf" direct losses from the disasters and annual costs can reach \$130 billion**. "In the future, utilities may face greater liabilities for starting fires as scientists become more confident in attributing excess deaths from air pollution to particular fire events."

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On September 26, Republican Representative Brian Fitzpatrick (PA) introduced a **new bill that would put a price on carbon and invest revenue in infrastructure**. The bipartisan Market Choice Act, which is co-sponsored by Democratic Representatives Salud Carbaia and Scott Peters of California, would reduce emissions and invest in infrastructure projects such as those for highways and bridges by replacing the federal gasoline tax with a tax on carbon emissions from sources of fossil fuel combustion like power plants. The bill calls for a tax of \$35 per metric ton of carbon dioxide emissions starting in 2021, with rates increasing cumulatively thereafter.

Canadian actor **Donald Sutherland sharply criticized world leaders on September 26 for what he called a lack of action to combat climate change**. He made the comments while promoting his latest film, "The Burnt Orange Heresy."

On September 27, California Governor Gavin Newsom (D) **vetoed a bill aimed at blunting Federal rollbacks of clean air and endangered species regulations in the state**. The bill would have made it easier for state regulators to counter the Trump Administration's efforts to change enforcement of the federal Endangered Species Act and other environmental pillars — at least in California. Newsome said the bill would force the state to rely on old science and would imperil the complex negotiations between state and Federal agencies over how to manage the state's water.

Senate Minority Leader Chuck Schumer said on September 27 that he **would bring a "big, bold" climate bill to the floor if Democrats retake the Senate in 2020**. During a call with reporters, Schumer said "Democrats are ready and primed to address the climate crisis. The other party is standing in the way,"

According to a new report, in April, for the first time ever, **renewable energy supplied more power to America's grid than coal**. In two-thirds of the world, solar and wind have become the cheapest forms of power.

A new study that examined Tropical Storm Imelda found that **the storm was supercharged by a warming climate**. A scientific consortium known as World Weather Attribution, which conducts rapid analyses of whether and how climate change plays a role in extreme weather events, analyzed Imelda in a similar way to a previous analysis of Hurricane Harvey. The Harvey study found that global warming increased the intensity of rainfall from that storm by about 15 percent, while the probability of its occurrence went up by a factor of three, because of increased concentrations of greenhouse gases in the atmosphere and corresponding changes to ocean temperatures and the amount of water vapor available for storms to tap into as energy.

On September 27, a **new radar system was installed to better monitor a fast-moving glacier on the Italian side of the Mont Blanc massif that risks having a massive section break off into a tourist valley**. The radar system, which was installed on the Planpincieux glacier, will provide constant data on movements of ice even at the sub-millimeter level. An expert monitoring the glacier says a small section has picked up speed and could break off in the coming days.

On September 28, thousands of demonstrators converged on Bern, Switzerland, **demanding an end to fossil fuel use in the country and for Swiss banks to stop financing companies that extract oil, gas and coal**. Organizers said about 25,000 people joined the protest, which coincided with nationwide protests against climate change.

During September, the Bureau of Land Management's (BLM) released an environmental impact statement regarding drilling in the Arctic National Wildlife Refuge. BLM is arguing the **project should go forward because "there is not a climate crisis."**

On September 30, six coal states sent letters to the Federal Energy Regulatory Commission, **urging FERC to wrap up an almost two-year inquiry into whether coal and nuclear plant retirements are**

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**threatening the electric grid.** FERC oversees U.S. power markets. In the letters, the utility commissioners from Alabama, Kentucky, Montana, Tennessee, West Virginia and Wyoming warned that plant closures are accelerating and "bringing increased attention to grid resilience and fuel security."

And, actor **Leonardo DiCaprio criticized President Trump and other world leaders for failing to tackle climate change.** DiCaprio said that "it's become clear that our political leaders have failed to live up to the promises that we celebrated that day," according to Yahoo News.

**EPA's Revision to NAAQS.** On September 3, EPA published a Federal Register notice announcing a **list of proposed candidate peer reviewers for the draft "Potential Approaches for Characterizing the Estimated Benefits of Reducing PM<sub>2.5</sub> at Low Concentrations."** The comment deadline on the list was September 24. The notice also announces a one-day panel meeting to be held on October 21.

On September 11, EPA published a Federal Register notice announcing the **availability of a draft Policy Assessment (PA) that the Agency's staff had prepared to assist the Administrator in his review of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM).** That document can be downloaded at <https://www.epa.gov/naaqs/particulate-matter-pm-standards-policy-assessments-current-review-0>. The draft PA concludes that evidence developed since the last review of the PM NAAQS calls into question the adequacy of the public health protection provided by the current 12 µg/m<sup>3</sup> annual and 35 µg/m<sup>3</sup> 24-hour primary PM<sub>2.5</sub> NAAQS, but acknowledges that these standards could be considered to provide adequate protection of public health if greater weight is placed on "uncertainties and limitations in the evidence and analyses." The draft PA identifies a range of 10 µg/m<sup>3</sup> to 12 µg/m<sup>3</sup> for the Administrator to consider for the annual primary PM<sub>2.5</sub> NAAQS, while noting that the evidence could support an annual primary PM<sub>2.5</sub> NAAQS as low as 8 µg/m<sup>3</sup>. The draft PA recommends retaining the 35 µg/m<sup>3</sup> PM<sub>2.5</sub> 24-hour primary NAAQS, but indicates that, with a "different policy approach," a 24-hour NAAQS as low as 30 µg/m<sup>3</sup> could be justified. The draft PA also recommends retaining the current 24-hour primary PM<sub>10</sub> NAAQS of 150 µg/m<sup>3</sup>. For secondary NAAQS, the draft PA recommends retaining the current suite of an annual PM<sub>2.5</sub> NAAQS of 15 µg/m<sup>3</sup>, a 24-hour PM<sub>2.5</sub> NAAQS of 35 µg/m<sup>3</sup>, and a 24-hour PM<sub>10</sub> NAAQS of 150 µg/m<sup>3</sup>. The draft PA will be subject to public comment and review by the Clean Air Scientific Advisory Committee (CASAC). Comments are due by November 12.

On September 11, an EPA representative provided an **update on the status of the Agency's New Source Review (NSR) Reform Initiative.** Among the updates were (1) There is about a month left on the Project Emissions Accounting comment period ... EPA is looking to finalize the rule in late spring (April/May 2020); (2) OAQPS is about to brief OAR (DC) on the options to finalize insofar as the hourly emissions issue ... The goal is to finalize an action, but the schedule is uncertain ... It could go final in a few months based on prior proposal, but could be later if broader; (3) EPA's final ambient air guidance is at OAR (DC), then it will go to OMB ... Source Aggregation should be on about the same path as Ambient Air guidance; and, (4) EPA is working on three reforms that have been out there for a while, Ethanol, Reasonable Possibility and Fugitive Emissions.

On September 13, EPA Administrator Andrew Wheeler announced the **appointment of Dr. Ronald Kendall to CASAC.** Dr. Kendall is the Head of the Wildlife Toxicology Laboratory and Professor of Environmental Toxicology at Texas Tech University. His expertise is in ecology and he will be replacing Dr. Lewis who left earlier this year. Administrator Wheeler also announced the pool of subject matter experts to support CASAC in its PM and ozone review. The full announcement, including the list of the 12 consultants, can be found here.

On September 13, the U.S. Court of Appeals for the D.C. Circuit issued a **ruling remanding to EPA part of its Cross State Air Pollution Rule. *State of Wisconsin, et al., v. EPA, Case No. 16-1406.*** In the 2016 rule, EPA promulgated a regulation addressing the interstate transport of ozone. That rule generally required upwind states to limit emissions of ozone that could negatively impact downwind states. A

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number of parties brought challenges to the rule, some contending that it is too strict and others contending it is too lenient. Environmental groups ended up prevailing on their argument that the rule allows upwind states "to continue their significant contributions to downwind air quality problems beyond the statutory deadlines by which downwind States must demonstrate their attainment of air quality standards." The court remanded that portion of the rule to EPA without vacating it. The court upheld, however, all other portions of the rule.

On September 23, **EPA downgraded seven areas to "serious" ozone nonattainment from "moderate,"** determining that the areas have a deteriorating ability to meet a federal ozone standard. Two tri-state areas - Illinois-Indiana-Wisconsin and Connecticut-New Jersey-New York - were among the locations being downgraded under the EPA's 2008 "8-hour" ozone standards. The downgrade means more regulation for the areas.

**Waters of the U.S. (WOTUS) Final Rule.** On September 12, EPA Administrator Andrew Wheeler announced **EPA and the U.S. Army Corps of Engineers' (Corps) publication of the agencies' joint rule rescinding the 2015 "Waters of the U.S." (WOTUS) Rule** that clarified which waters and wetlands fell within the scope of the federal CWA jurisdiction. The Repeal Rule, which will be effective 60 days after it appears in the Federal Register, is known as "Step One" in the agencies' two-part rulemaking effort to repeal-and-replace the 2015 Rule with a WOTUS definition that provides more bright lines on which waters are within the scope of the CWA and where federal jurisdiction ends and state jurisdiction begins. Wetlands and ephemeral streams in particular are some of the greatest sources of regulatory uncertainty. This confusion has led to inconsistent regulatory determinations and permitting decisions.

The 2015 Rule is the subject of ongoing litigation in several federal district courts brought by over 30 states and a diverse cross section of industry and agricultural stakeholders. As a result of various judicial stays and decisions, **there is currently a patchwork where the 2015 rule currently applies in roughly half of the states.** The Repeal Rule will remove the 2015 WOTUS definition from the Code of Federal Regulations and replace it with the pre-2015 regulatory text. This is intended as a temporary placeholder to maintain the regulatory "status quo" until EPA and the Corps issue the "Step Two" Replacement Rule. EPA and the Corps expect to issue the **final Replacement Rule in late 2019/early 2020**, however, it is highly likely there will be a lengthy legal battle that follows and prevents implementation pending the outcome of litigation and an inevitable U.S. Supreme Court review. A pre-publication version of the Repeal Rule is accessible [here](#). For more information on the two-part rulemaking, see EPA's website [here](#). Additional information is available at: <http://www.epa.gov/wotus-rule>.

**Federal Water Quality Coalition (FWQC) Activities.** In December 2018, EPA issued final recommended aquatic life criteria for aluminum. On August 20, FWQC counsel reported that **EPA had issued draft guidance on implementation of aquatic life criteria for aluminum** (see <https://www.epa.gov/sites/production/files/2019-08/documents/aluminum-tsd-2019.pdf>). The draft Technical Support Document addresses four issues: (1) flexibility that a state has when adopting the EPA recommended criteria; (2) frequency and time period for collection of input parameter data; (3) methods to reconcile model outputs and derive criteria values; and (4) methods for a State to implement the criteria in its CWA programs. **The FWQC submitted comments to EPA on the draft guidance on the September 13 comment deadline.**

On September 19, EPA issued a [notice](#) requesting comment on **water quality trading under the Clean Water Act's (CWA) National Pollutant Discharge Elimination System (NPDES) program**. 84 Fed. Reg. 49293. EPA specifically is requesting comment on policy approaches for addressing issues in watersheds with EPA-approved Total Maximum Daily Loads (TMDL) where policy makers would like to pursue water quality trading as a regulatory option for NPDES permit compliance. The comment period closes on November 18. The FWQC plans to comment. For more information visit: [www.epa.gov/npdes/water-quality-trading](http://www.epa.gov/npdes/water-quality-trading).

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On July 12, EPA's Assistant Administrator for Enforcement and Compliance Assurance, Susan Bodine, issued a memorandum on **EPA's new plans with regard to enforcement of CWA requirements**. The memorandum indicates that EPA wants to "reduce the National Pollutant Discharge Elimination System (NPDES) significant noncompliance (SNC) baseline rate by 50% by the end of FY 2022, while assuring that the worst SNC violators are timely and appropriately addressed." This initiative makes it critical that the Agency address problems in the databases that are used to assess Significant Noncompliance. **EPA staff has asked the FWQC to compile a list of examples of problems in ICIS/ECHO and, during September, the FWQC began doing so.**

Also during September, FWQC began considering **possible action insofar as a recent decision by the U.S. Court of Appeals for the D.C. Circuit regarding TMDLs for the rivers in the DC area (the Anacostia and the Potomac)**. The TMDLs were set by the DC government to address bacteria impairments, and then approved by EPA. The TMDLs were challenged on several grounds but upheld by the Court. The case has implications for how TMDLs are set – not just for bacteria, but for other parameters as well.

And, FWQC begin planning **comments on revisions EPA has proposed to its Section 401 rules, which make some major changes in how the 401 process would work**. Section 401 of the CWA provides that Federal agencies cannot issue a license or permit to conduct activity that may result in a discharge to a water of the U.S., unless the state or Tribe issues a water quality certification as to compliance with applicable water quality requirements, or waives the certification requirement. The proposal was issued on August 22 in the Federal Register, and comments are due by October 21.

**PFAS Developments.** Under a September 2 proposal from Denmark's Environment and Food Ministry, Denmark would become the **first country to ban per-and polyfluoroalkyl substances (PFAS) in food packaging** in July 2020.

On September 3, New Hampshire Governor Chris Sununu (R) signed into law a **bill (SB 257) to ban most uses of firefighting foams containing PFAS in the state starting January 1, 2020.**

On September 6, Massachusetts Governor Charlie Baker (R) proposed that his state **commit about \$28 million to test and remove PFAS that have leached into public drinking water systems**. Baker included the funding in a \$651 million draft fiscal year 2019 supplemental budget bill.

On September 10, the **House Oversight and Reform Subcommittee on the Environment held a hearing on PFAS contamination**. The hearing's title set the tone for what turned into a sometimes contentious event as Committee Democrats lambasted witnesses representing PFAS manufacturers. Entitled "The Devil They Knew: PFAS Contamination and the Need for Corporate Accountability," the hearing was a follow-up to the Subcommittee's July 24, 2019, hearing on the human impact of PFAS contamination and state-level efforts to regulate the chemicals. The hearing was intended to examine the health risks associated with PFAS chemicals; what chemical manufacturers knew about this science and when they knew it; the current levels of PFAS contamination in the U.S.; and industry efforts to clean up contaminated sites. The hearing was the first time that representatives of major companies manufacturing PFAS products testified before a hearing on issues associated with PFAS contamination. Witness testimonies and an archived webcast of the hearing are available [here](#).

On September 12, Bob McMahon, Assistant Secretary of Defense for Sustainment, told reporters that **decisions about how to manage PFAS should be made one chemical at a time**. McMahon said that there are about 5,000 PFAS chemicals.

On September 24, Democratic Michigan Reps. Dan Kildee, Andy Levin, and Debbie Dingell urged their House and Senate colleagues to **keep provisions regarding (PFAS in the National Defense Authorization Act)**. But, if those provisions are not in the bill sent to the President for signature, they will pursue them as individual pieces of legislation.

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On September 25, during a discussion between officials from New Hampshire and EPA on a panel at the Fall 2019 Meeting of the Environmental Council of the States in Seattle, a New Hampshire official said that **PFAS chemicals being used to create Teflon-type coatings entered New Hampshire without having a CAS registry number**. This raised questions about whether the compounds were legally allowed to be made or brought into the U.S.

Also on September 25, EPA announced that the **Office of Management and Budget is reviewing two possible rules that would increase EPA's oversight of at least some PFAS**. EPA sent OMB a revised "significant new use rule" that would require EPA be notified before certain PFAS could be imported into the U.S. through products containing them.

Meanwhile, Michigan Representative Fred Upton (R) is an original co-sponsor, along with Rep. Debbie Dingell of a bill that would designate every chemical in a class of PFAS as a hazardous substance under the nation's Superfund law within one year of enactment. If the bill, the PFAS Action Act of 2019 (H.R. 535), were signed into law, it would trigger mandatory cleanups and, in some cases, force manufacturers to foot the bill. EPA Administrator Andrew Wheeler has said that **legislation that would require EPA to designate all PFAS as hazardous substances within one year is not feasible**. On September 26, the bill was advanced by the House Energy and Commerce Subcommittee on Environment and Climate Change. The full Committee is expected to take up the bill in the coming months.

**EPA's SPCC Program.** On September 3, EPA issued a **final rule declining to expand the scope of the Spill Prevention, Control, and Countermeasure (SPCC) regulations under the CWA to address additional hazardous substances**. 84 Fed. Reg. 46100. The decision is somewhat of a reversal of an Obama-era pledge to assess whether the scope of the SPCC program warrants expansion. EPA issued the final rule in response to a Consent Decree with environmental groups. On July 21, 2015, the Environmental Justice Health Alliance for Chemical Policy Reform, People Concerned About Chemical Safety, and the Natural Resources Defense Council sued EPA for failing to comply with an alleged duty to issue regulations to prevent and contain CWA hazardous substances spills from non-transportation-related onshore facilities, including aboveground storage tanks, under CWA Section 311(j)(1)(C). *Environmental Justice Health Alliance for Chemical Policy Reform v. EPA*, 15-cv-5705 (S.D.N.Y. July 21, 2015). On February 16, 2016, the United States District Court for the Southern District of New York entered a Consent Decree between EPA and the litigants establishing a schedule under which EPA was to issue a final rule on the issue.

Instead of issuing a rule to add hazardous substances to the scope of the SPCC program, however, EPA decided there is **no need for new regulatory requirements under CWA Section 311(j)(1)(C) at this time**. EPA explained that it believes existing regulations are adequate to meet its obligations under that provision and that no new regulatory program is warranted. EPA defended its decision by stating that, based on the reported frequency and impacts of identified CWA hazardous substances discharges, and EPA's evaluation of the existing framework of EPA regulatory requirements relevant to preventing CWA hazardous substances discharges, the existing framework of regulatory requirements serves to prevent CWA discharges. Additionally, EPA identified relevant requirements in other federal regulatory programs and determined that they further serve to prevent CWA hazardous substances discharges. The rule is effective on October 3.

**TSCA Reform Implementation.** Under a supplement to a proposed rule that OMB is reviewing, chemical manufacturers would have to **give EPA more evidence that they have protected certain chemicals they make from being reverse engineered**. On September 3, EPA announced online that it was "... seeking to supplement the April 23, 2019 proposed rule (RIN: 2070-AK21) establishing a plan to review confidential business information claims for chemical identity." The Agency is revising that rule to address a U.S. Court of Appeals for the D.C. Circuit ruling from April 26. The court ruled that EPA failed to require chemical manufacturers to sufficiently prove that they protected their chemical's secret identity from discovery through reverse engineering. That case, Environmental Defense Fund v

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EPA, involved a different chemical regulation. But, the court's ruling applied to multiple situations in which chemical manufacturers must justify their need for the agency to keep certain business information confidential. In this case, EPA aims to apply the court's decision to a rule mandated by the 2016 Toxic Substances Control Act amendments.

On September 3, Earthjustice filed with EPA a notice of intent (NOI) to **sue EPA under Section 20(a)(2) of the Toxic Substances Control Act (TSCA) for "EPA's repeated and ongoing failures to comply with TSCA's nondiscretionary mandates to disclose to the public information about new chemical substances reviewed by EPA."** According to Earthjustice, EPA "routinely fails to disclose" certain information regarding the submission and review of new chemical applications under the premanufacture notification (PMN) and test marketing exemption (TME) provisions. For more information, please read the full memorandum.

On September 17, the American Chemistry Council (ACC) released to the American Alliance for Innovation (AAI) via which ACCCI is following EPA's implementation of TSCA Reform legislation enacted in 2016 a letter ACC had sent to EPA on August 14. In the letter, **ACC requested that EPA reconsider its policy decision to stop sending Notice of Deficiency letters to CBI submitters when CBI claims are deficient and permitting a 30-day window in which to remedy the deficiency.** EPA is reviewing the request and will let ACC know when it has made a decision.

**Definition of Solid Waste (DSW) Litigation.** On September 5, counsel to a coalition of the Metals Industries Recycling Coalition (MIRC) MIRC and ACCCI which has been defending certain aspects of EPA's 2008 DSW rule for over a decade, reported to the coalition "... **the court granted DOJ's request to extend by two weeks the deadline for replies to petitioners' motion for rehearing. The new deadline is September 26, and it applies to both EPA and interveners.**" On the September 26 deadline, counsel submitted to the court the coalition's opposition to petitioners' motion for rehearing.

**EPA's Superfund Program.** On September 9, EPA Administrator Andrew Wheeler announced that **EPA's Superfund Task Force had completed its work.** He also announced the issuance of the Task Force's final report, which he claimed outlines "significant accomplishments over the past two years at Superfund sites across the country." EPA intends to integrate the work of the Task Force into EPA's ongoing cleanup work moving forward. Commissioned in May 2017 to provide recommendations on how EPA could streamline and improve the Superfund program, the Task Force issued its initial report in July 2017 with 42 recommendations in five goal areas. According to the final report, which is available online.

**CFATS Program Reauthorization.** On September 11 - the 18th anniversary of the September 11th terrorist attacks - a House Subcommittee held a **hearing on legislation intended to protect chemical facilities from terrorist attacks.** The House Energy and Commerce Subcommittee on the Environment and Climate Change convened the hearing to consider the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2019 (H.R. 3256). The bill would amend and reauthorize the Department of Homeland Security's (DHS) Chemical Facility Anti-Terrorism Standards (CFATS) program. The CFATS program requires high-risk chemical facilities (as defined by DHS) to address risk by meeting risk-based performance standards in 18 areas. Congress created CFATS in 2006 and intended to sunset it in 2009 (Pub. L. 109-295). DHS promulgated the regulations establishing CFATS on April 9, 2007. 72 Fed. Reg. 17688. Congress extended the program through annual appropriations until passage of the Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2014, which extended CFATS through the beginning of 2019. On January 18, 2019, the President signed H.R. 251, the Chemical Facility Anti-Terrorism Standards Program Extension Act, which extended the program through April 2020. In addition to extending CFATS through May 1, 2025, the bill also would amend the program in several substantive ways, including requiring DHS to verify information submitted by covered chemical facilities before reducing the tier assignments of those facilities and establishing a voluntary security program for facilities not covered by CFATS requirements. Witness testimony and an archived webcast of the hearing are available online.

**Trump Administration Deregulatory Actions/Activities.** In late September, President Trump announced his intent to **nominate Paul Ray to be Administrator of the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget.** Mr. Ray - who currently serves as Acting Administrator - would replace newly-confirmed D.C. Circuit judge Neomi Rao as D.C.'s "regulatory czar" due to the office's important role in implementing the President's regulatory, or deregulatory, agenda. Previously, Mr. Ray, served as counselor to former Labor Secretary Alexander Acosta.

Also, the Regulatory Studies Center at The George Washington University (GW) has created **"accessible charts and supporting data to better understand disparities and similarities across presidential administrations, and their cumulative approaches to implementing regulatory policy."** You can view them here.

**EPA Funding.** On September 24, the Senate Interior-Environment Subcommittee advanced to the Senate Appropriations Committee by unanimous consent a **\$35.85 Billion FY 20220 spending bill that would boost EPA and National Park Service funding.** The bill marks a \$248 million increase over FY 2019 funding. EPA funding would increase by ~2%; National Park Service funding would increase by ~4%. The Committee began its markup of the bill on September 26.

**Environmental Legislation Being Considered on Capitol Hill.** On September 9, the House of Representatives returned to work after a six-week August recess and passed a package of energy-related bills. By a roll call vote of 295-114, the **House approved a bill (H.R. 1768) that would extend the Diesel Emissions Reduction Act through 2024.** The vote would keep alive an EPA program that takes older diesel-powered equipment off the market. House lawmakers also approved: H.R. 1420 to improve energy efficiency in federal buildings; H.R. 2114 to provide states with financial and technical support on energy security; and, H.R. 1760 that would require the Department of Energy (DOE) to create a uranium program.

Also on September 9, Senators Sheldon Whitehouse (D-RI) and Lamar Alexander (R-TN) introduced **legislation to stop the flow of e-waste to China and other countries that counterfeit U.S. technology.** The bill was prompted by concerns that U.S. exports of electronic waste (e-waste) provide raw materials for foreign-made counterfeit products and result in unsafe environmental disposal. The Secure E-waste Export and Recycling Act (S. 2448) seeks to ensure that e-waste does not become the source of counterfeit products that reenter military and civilian electronics in the U.S.

**Employee  
Safety &  
Health**

**OSHA's Injury and Illness Electronic Recordkeeping Rule.** On September 26, Judge Timothy Kelly of the U.S. District Court for the District of Columbia dismissed a lawsuit seeking a judicial order to force OSHA to collect detailed injury and illness reports from employers. The suit was brought by the Public Citizen Health Research Group and others. He dismissed the suit because since its filing in July 2018, OSHA had

finalized the rule (on January 25, 2019), making the challenge moot.

**OSHA's New NEP on Silica.** During September, an OSHA official announced that the Agency likely will issue a **new national emphasis program for breathable silica dust exposure in 2020.** The program's details are still under review by OSHA and the Department of Labor. OSHA had a silica emphasis program for several years, but let the program expire after the Agency enacted silica rules for construction and general industry in 2016. The first guidance on enforcement of the silica rule came out the following year.

The official also announced that the Agency intends to **renew emphasis programs for amputations and combustible dust that can explode or catch fire.** There could be changes to the programs, such as which industries are covered by the programs.

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**OSHA's Beryllium Rule.** According to an OSHA briefing document released on September 4, **OSHA plans to change direction and clarify, rather than eliminate, additional requirements for regulating exposure to beryllium.** On September 9, the Advisory Committee on Construction Safety and Health recommended that OSHA continue with plans to revise the requirements. On September 27, OSHA officially announced in the Federal Register that it was changing course and planning to revise the requirements, rather than eliminating them.

On September 30, **OSHA finalized a rule regarding exposure to beryllium and beryllium compounds in construction and shipyards that delays the compliance deadlines for nearly all provisions of the standards to September 30, 2020.** The one exception to the September 30, 2020 compliance deadline is for the permissible exposure limit (PEL) and the short-term exposure limit (STEL), which OSHA has been enforcing since May 11, 2018.

**OSHA's Two New Fit-Testing Methods for Respirators.** On September 25, OSHA published a notice that the **Agency had approved two new fit-testing methods for respirators.** The approved testing protocols, submitted by TSI Inc. of Shoreview, Minn., apply to employers in general industry, shipyard work and construction. According to TSI, the new fit-testing methods should reduce testing time by 65% to 2½ minutes. The new protocols, which can be used starting September 26, are variations of TSI's earlier OSHA-accepted PortaCount protocol.

**OSHA's Top 10 Most Frequently Cited Violations for FY 2019.** On September 10, Patrick Kapust, Deputy Director of Enforcement Programs at OSHA, listed the **top 10 violations most frequently cited by OSHA in FY 2019.** Speaking at the National Safety Congress, Mr. Kapust stated that the violations, from most-frequent to least-frequent, were: Fall Protection - General Requirements; Hazard Communication; Scaffolding; Lockout/Tagout; Respiratory Protection; Ladders; Powered Industrial Trucks; Fall Protection - Training Requirements; Machine Guarding; and, Eye & Face Protection.

**The number of worksite safety checks during FY 2019 was in line with the past three fiscal years** when the Agency averaged about 32,000 inspections annually. And, as in recent years, about 50 percent of the inspections were at construction sites.

**OSHA's Updating of Its Hazardous Chemical Labeling Requirements.** On September 24, a senior OSHA official announced that the **Agency is moving forward with plans to update its hazardous chemical labeling requirements.** The goal is to issue a notice of proposed rulemaking in December.

**OSHA's Reactivation of the National Advisory Committee on Occupational Safety and Health.** On September 23, OSHA announced that the **National Advisory Committee on Occupational Safety and Health (NACOSH) is getting back to work after a three-year hiatus.** NACOSH is a 12-member panel overseeing several industries, including manufacturing, retail, health care, warehousing, services, and agriculture. The panel, established in 1970 by Congress, often serves as a sounding board for OSHA initiatives and a forum for safety advocates to press OSHA to take on projects the Agency had not made a priority, such as improving protections for emergency workers.

**DOL's Seeking of Jail Times for Employers Failing to Pay Safety Fines.** DOL increasingly is **seeking jail time against employers who fail to pay delinquent safety fines.** What has previously been a rare occurrence - the government's pursuit of contempt and criminal charges against an employer for safety violations - is seeing a recent increase.

**NSC's Guidance on Dealing with Opioid Use by Employees.** The National Safety Council has released **new guidance on how employers can deal with opioid abuse by workers.** The guidance, Opioids at Work Employer Toolkit, is aimed at employers' human resources and safety offices. It's intended to help employers learn about opioid misuse and disorders, form human resources policies and procedures, and support employees struggling with addiction to the drugs.

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**Recent MSHA Decisions.** Mine operators once again have to **keep more detailed safety inspection notes and conduct mine safety exams before their miners enter for work**, according to regulatory amendments from the Mine Safety and Health Administration. On September 30, MSHA issued technical amendments, meant to help mine operators comply with an Obama-era safety inspection rule upheld by the U.S. Court of Appeals for the D.C. Circuit in June.

**Recent CSHIB Rulings.** On September 17, the U.S. Chemical Safety and Hazard Investigation Board announced that the **names of workers who died in industrial chemical accidents will again be named in federal investigative reports**. CSHIB stopped naming the workers in June because doing so implied fault in their deaths. CSHIB will once again publish names of the deceased in future CSB investigative reports, unless an immediate family member objects to their inclusion.

**CSB Nominees/Staffing.** On September 11, the Senate Environment and Public Works (EPW) Committee, held a **hearing on the nomination of Katherine Andrea Lemos, Ph.D., to chair the Chemical Safety and Hazard Identification Board (CSB)**. Dr. Lemos previously served in the Federal Aviation Administration and on the National Transportation Safety Board. She is currently the Director of Programs for Northrop Grumman Corporation's Aerospace Sector. According to the White House, which nominated her on June 19, Dr. Lemos has a distinguished background in system safety, accident investigation, human factors, and advanced technology research and integration. She also has broad experience across the product life cycle in analyzing and promoting product, process, and operational performance. An archive webcast of the hearing is available online.

**OSHA/MSHA Funding.** On September 18, the Senate Appropriations Committee released **proposed worker safety agency budgets for FY 2020**. The proposals reveal large gaps between what the Republican-controlled Senate is eyeing compared with proposals from the Democrat-majority House. Overall, the Senate committee draft recommends that funding levels for the safety agencies remain about the same as in fiscal 2019, which ended September 30. The House proposed major boosts, with the goal of making up for 10 years of budget cuts and inflation.

The Senate's draft spending bill called for **OSHA to receive \$558.8 million, or \$102.1 million less than the House's recommendation of \$660.9 million**. For fiscal 2019, OSHA received \$557.8 million. The Senate committee proposes \$373.8 million for the Mine Safety and Health Administration. The House seeks \$417.3 million.

**Human  
Resources &  
Labor  
Relations**

**DOL's Final Overtime Rule.** In late September, DOL announced a **final overtime rule to exempt executive, administrative and professional employees from the FLSA's minimum wage and overtime requirements**. This rule fully replaces a 2016 Overtime Rule, which the National Association of Manufacturers (NAM) of which ACCCI is a member had fought in court. NAM, which weighed-in throughout the rulemaking process, indicates that the new rule has more workable thresholds that better reflect the modern manufacturing economy. The NAM weighed-in throughout the rulemaking process. DOL heard manufacturers concerns, which was reflected in changes from the proposed to final rule.

The rule, which goes into effect on January 1, 2020, **boosts the annual salary threshold below which workers qualify for overtime pay to about \$35,000 from its current level of \$24,000**. This rule comes after the Obama administration's effort to update the salary level for overtime eligibility to \$47,000 per year was struck down by a federal judge in 2016 and never took effect. Click here to view the final rule. Click here to view DOL's announcement. Click here for DOL's Fact Sheet.

On September 24, U.S. Senator Sherrod Brown (D-OH) **blasted DOL following the news on the final rule**. Brown said "People who work 50 or 60 hours a week should be paid the wages they've earned. Period."

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**DOL's Proposed Changes to FMLA.** According to a late-September post on DOL's website, a **DOL request for information seeking input on how to improve rules implementing the 1993 Family and Medical Leave Act for workers, while reducing employer burdens, had been sent to OMB for review.** Clearance from OMB's Office of Information and Regulatory Affairs is the final administrative hurdle before the notice can be released to the public. Then, DOL's Wage and Hour Division will collect and review comments to inform a new rulemaking or guidance, a project that likely will not be completed until after the 2020 election.

**DOL's Opinion Letter on FMLA.** On September 10, DOL released an **opinion letter saying that an employer cannot delay designating paid leave as Family and Medical Leave Act time off once it's been put on notice.** DOL Wage and Hour Division Administrator Cheryl Stanton wrote that a government employee who had paid leave benefits as part of his or her collective bargaining agreement could not opt to begin using FMLA leave after exhausting paid leave benefits, and the two forms of leave must run concurrently.

**DOL's New Program for Self-Reporting of Wage-and-Hour Violations.** On September 26, DOL reported to Congress that **only a few employers had taken advantage of a new program to self-report wage-and-hour violations.** DOL had processed 74 cases in the first 18 months of the voluntary program, or about 1 percent of its total compliance actions over the same time. State and local governments accounted for nearly a quarter of employers that self-reported violations. Participants paid roughly \$55,000 per audit, more than four times the amount of back wages recovered per investigation department-wide.

**EEOC's Intent to Seek Authorization of a New EEO-1 Form.** On September 12, the EEOC publicly noticed its **intent to seek authorization of a new EEO-1 form**, inviting comments for a 60-day period. EEOC made clear that it was not seeking a request on the Component 2 data, which are currently the subject of litigation.

**The notice does not affect the current Component 2 filing period that closed on September 30.** However, updates were made to expand the "comments" section of employer filings. Click here for more information on the current filing. To read the NAM's latest brief, click here.

**NAM remains actively engaged** in the appeal of a court's decision to reinstate the collection and the future of the EEO-1 form. To read the NAM's latest brief, click here.

**Recent NLRB Rulings/Proposals.** On September 5, the National Labor Relations Board (NLRB) requested briefing in *General Motors*, to **consider whether to change the current precedent related to profane outbursts and offensive statements that are racial or sexual in nature.** Under the current standard, extremely profane and racially offensive language still receives the protection of the National Labor Relations Act (NLRA). This means that taking adverse employment action against an employee who engages in offensive statements and outbursts could result in an employers' violation of the NLRA. The National Association of Manufacturers (NAM) of which ACCCI is a member is considering whether to weigh in. Briefs are due November 19, 2019. For more information, click here.

On September 9, NLRB **handed down a pivotal decision – a petitioned-for unit consisting of only two job classifications is not an appropriate unit for a union election.** The case – *The Boeing Company* was a clear rejection of the "micro-union" holding in *Specialty Healthcare*. This is the first case that applied the traditional test for determining a bargaining unit post-*PCC Structural*—the 2017 case that was meant to stop union attempts at fractured bargaining units. To read the full case, click here. Reports in late September were that the International Association of Machinists is contemplating a lawsuit to appeal NLRB's decision. To succeed, the Machinists would have to convince a court to apply a narrow exception that permits judicial review of the NLRB's rulings in representation cases.

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On September 10, NLRB adopted a **new standard for determining whether contractual language acts as a waiver of a union's right to bargain over a specific issue**. *MV Transportation, Inc.*, 368 NLRB No. 66 (Sept. 10, 2019). The employer notified the union that it planned to revise certain policies and work rules. The employer unilaterally implemented the proposed changes before reaching an agreement or an impasse with the union. The union filed an unfair labor practice charge alleging the changes violated the NLRA. It cited then-current NLRB law stating that an employer making a unilateral change in the terms and conditions of work must first show that the union "clearly and unmistakably waived" its right to bargain over the change.

**DOL Nominees/Staffing.** During September, appellate lawyer **Leif Olson returned to the Labor Department just days after he resigned**. Olson resigned from DOL on August 30 over a Facebook conversation that referenced anti-Semitic tropes. By September 2, Olson had updated his Facebook profile to delete all posts and, soon thereafter, he was back on the job.

On September 11, **President Trump formally nominated Eugene Scalia to be the next Secretary of Labor**. On September 24, the Senate Health, Education, Labor and Pensions Committee voted 12-11 along party lines in favor of Scalia and, **on September 26, the Senate voted 53-22 along strictly party lines to confirm him**. He was officially sworn-in at the White House on September 30. Scalia fills the role vacated by former Labor Secretary Alexander Acosta, who left in July after criticism over his handling of teen sex trafficking charges against Florida hedge fund manager Jeffrey Epstein as a prosecutor in Miami.

**DOL Funding.** On September 26, the Senate Appropriations Committee approved a **bill that would increase funding for the Equal Employment Opportunity Commission, among several other Federal agencies**. In approving the bill, the Committee rejected a White House proposal to trim EEOC's budget by 6 percent for FY 2020. It would instead provide \$384.5 million in discretionary funding for EEOC.

**Congressional Oversight Activities.** In mid-September, the Democratic leaders on a House labor panel **accused NLRB of flouting federal laws that govern administrative policymaking in its push to establish a more business-friendly "joint employer" policy**. NLRB is currently relying on a private-sector contractor to help review public comments on a proposed rule that would limit liability for franchisers and companies that use contractor labor. Representatives Bobby Scott (D-VA) and Frederica Wilson (D-FL) sat that poses a conflict-of-interest problem because the contractor belongs to a pair of trade associations urging the board to adopt the proposal.

**Labor-Related Legislation Being Considered on Capitol Hill.** On September 20, the House passed **legislation that would prohibit mandatory arbitration agreements in employment, consumer, and other contracts**. Lawmakers voted 225 to 186 in favor of the Forced Arbitration Injustice Repeal Act (H.R. 1423, S. 610), which would invalidate predispute agreements that require arbitration of an employment, consumer, antitrust, or civil rights dispute. The proposal would also ban limits on class and collective action lawsuits by workers, consumers, and others.

On September 25, the House Education and Labor Committee **approved the Protecting the Right to Organize Act (H.R. 2474) in a 26 to 21 vote**. The bill, which is now headed to the House floor, would make sweeping changes to federal labor law, restoring workers' right to organize. The National Association of Manufacturers (NAM) of which ACCCI is a member is devoting significant time and energy on the Hill and outside the beltway to aggressively fighting the legislation and continues to make the case with moderate members of the House for why this bill is fundamentally anti-worker. For more information on the NAM's position, [click here](#).

**Other Issues**

**Trump Administration's Tariffs and Trade Policies.** According to a monthly report released in early September by staffing firm Challenger, Gray & Christmas Inc., **companies had announced plans to eliminate 10,488 positions because of "trade difficulties."** It's the first time this reason for layoffs has been included in the report.

On September 11, U.S. Trade Representative Robert Lighthizer sent House Democrats a **new offer on the stalled United States-Mexico-Canada Agreement.** He made the offer in an attempt to resolve their concerns about the trade deal and finally put it to a vote. Among the issues of concern to Democrats are labor conditions in Mexican factories, environmental protections, drug patent provisions and enforcement mechanisms for the overall deal.

The European Commission President-elect Ursula von der Leyen vowed during September to **defend the global open-market order underpinned by the WTO.** She takes office in November. Phil Hogan, whom she has appointed as the EU's next trade negotiator, called Trump "reckless" and urged him to see the "error of his ways" in the U.S. trade war with China. Hogan pledge to impose retaliatory tariffs against the U.S. should President Trump follow through on a threat to hit the EU's automotive goods with duties. The EU is considering imposing tariffs on more than \$4 billion of U.S. exports, citing as justification a 22-year-old World Trade Organization dispute over prohibited subsidies.

Meanwhile, the **U.S. and Japan - the world's largest and third-largest economies - are negotiating a deal of their own.** Trump and Prime Minister Shinzo Abe have touted "early achievements" in areas such as American farm products, but the threat of U.S. tariffs still hangs over Japan's crucial auto sector.

**Health of the U.S. Automobile Industry.** During September, GM CEO Mary Barra predicted that **GM would sell a million electric vehicles a year in the near future, while lowering costs.** GM is pushing hard into electrics and racing into autonomy faster than any other carmaker.

Meanwhile, the **United Auto Workers union launched its first strike against GM in 12 years. The walkout began at midnight on September 16.** One analysts predicted strike could cost GM about \$50 million/day in earnings before interest and taxes. On September 22, Democratic Presidential candidates Joe Biden and Elizabeth Warren the picket line. About 5,000 workers in Canada were put on leave due to the strike. By the end of September, it looked like GM and UAW were making progress; but, significant issues (e.g., health care for striking workers) remained.

**ACCCI & Coalition News**

**Fall 2019 Meeting of ACCCI's MESH Committee.** On September 25-26, ACCCI's MESH Committee held its Fall 2019 Meeting in Birmingham, AL. **Twenty-one representatives of five coke producer member companies attended, as well as two representatives of two tar refiner member companies.** Several other environmental representatives from coke producer member companies participated for a portion

of the meeting via teleconference. ABC Coke provided meeting attendees a tour of its Tarrant, AL coke plant on the afternoon of September 25.

The Committee decided to hold its next meeting – the Spring 2020 Meeting – would be held on April 7-8, 2020, in the Cincinnati, OH area. **If you are an Industry Supplier member of ACCCI and wish to speak on your company's product line during the Spring 2020 Meeting, please contact ACCCI staff ASAP.**

**Upcoming Meetings.** Upcoming meetings of note include the **2019 Annual MetCoke World Summit** from November 5-7, 2019, at the DoubleTree by Hilton Hotel Nashville Downtown in Nashville, TN; the **2019 Business Meeting of the ACCCI Board of Directors** on November 8, 2019, at the Doubletree

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Nashville Downtown; and, **ACCCI's 2020 Annual Meeting** on April 23-24, 2020, at The Westin Hilton Head Island Resort & Spa on Hilton Head Island, SC.

As in years past, ACCCI will be a sponsor of this year's MetCoke World Summit, which is the 23rd edition of the Summit. SMITHERS Apex, which runs the MetCoke World Summit each year, is providing ACCCI members a **discounted registration rate of \$1,049** to attend. This is the same rate Smithers made available to ACCCI members last year, and a \$250 discount over this year's Super Early Bird rate of \$1,299. To obtain the discounted rate, visit <https://www.metcokemarkets.com/register/events> and select the MetCoke World Summit event, in Nashville, TN, November 5-7. There, either log in if you have registered before or create a new login entirely. Fill in the requested information, then proceed through the registration process to the "summary" page where the order is listed. On that page, there is a place to "Apply coupon code" - click that and enter the discount code - "**METCOKE19ACCCI**." Afterwards, hit "apply" and it should change to a price of \$1,049.

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For further information, please contact:

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## American Coke and Coal Chemicals Institute

### Status of Statistical Reports

(as of November 1, 2019)

#### Quarterly Reports

Coke Plants Injury/Illness (Safety)	1Q19, 2Q19, 3Q19 data requests have been sent out.
Merchant Coke Production/Shipments	1Q19, 2Q19, 3Q19 data requests have been sent out.
Tar Distillation	1Q19, 2Q19, 3Q19 data requests have been sent out.

#### Monthly Trade Reports

Coke Imports	Complete through August 2019. The next report will be for the September'19 data to be posted by the Census Bureau on November 5, 2019.
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#### Annual Reports

Tar Refiners Safety Benchmarking	2018 complete (7 plants).
Total U.S. Coke Production	2018 complete.

The Annual Benchmarking Reports for 2019 will be completed after the 2019 year-end.

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE  
FINANCIAL REPORT  
MONTH ENDING SEPTEMBER 30,2019**

**BALANCE SHEET**

<b>ASSETS</b>			
	ACCCI - Commercial Checking - PNC Bank \$	65,645.17	
	COETF - Commercial Checking - PNC Bank \$	44,844.31	
	PAH Project Account		
	Insured Savings - PNC Bank	103,364.20	
	Accounts Receivable	64,751.46	
	Prepaid Expenses	0.00	
	<b>TOTAL ASSETS:</b>		<b>278,605.14</b>
<b>LIABILITIES</b>			
	Accounts Payable \$	0.00	
	Prepaid Income	0.00	
	<b>TOTAL LIABILITIES:</b>		<b>0.00</b>
<b>ACCOUNTS (ending September 30, 2019)</b>			
	COETF	0.00	
	PCTC	0.00	
	ACCCI	71,166.71	
	Excess of Receipts over Disbursements	0.00	
<b>FUND BALANCES:</b>			
		\$	
	COETF Account	44,893.25	
	PAH Project Tar Refiners	51,422.19	
	ACCCI Reserve	111,122.99	
	<b>TOTAL BALANCES</b>		<b>278,605.14</b>

**Foot Note:** Accounts Receivable is money expected but not collected in the budget.

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**AMERICAN COKE AND COAL CHEMICALS INSTITUTE**  
**FINANCIAL REPORT**  
**MONTH ENDING SEPTEMBER 30, 2019**

<b>INCOME</b>			<b>BUDGET 2019</b>	<b>BUDGET YTD 09/30/2019</b>	<b>ACTUAL YTD 09/30/2019</b>	<b>2018 Actual YTD</b>
General / Administration			325,180.00	318,629.00	323,597.92	329,020.52
Annual Mtgs.						
	Spring		56,660.00	56,660.00	44,940.00	49,185.00
	Fall		1,200.00	1,200.00	0.00	0.00
<b>Total Income</b>			<b>383,040.00</b>	<b>376,489.00</b>	<b>368,537.92</b>	<b>378,205.52</b>
<b>EXPENSE</b>						
General / Administration			152,690.00	152,690.00	104,894.46	109,239.73
Committees			15,000.00	15,000.00	3,372.73	9,625.22
Regulatory Affairs (Staff)			157,710.00	157,710.00	119,478.80	161,945.04
<b>Annual Meetings</b>						
	Spring		78,200.00	78,200.00	69,625.22	67,394.26
	Fall		6,500.00	6,500.00	0.00	0.00
<b>Total Expense</b>			<b>410,100.00</b>	<b>410,100.00</b>	<b>297,371.21</b>	<b>348,204.25</b>
<b>GENERAL &amp; ADMINISTRATIVE:</b>			<b>BUDGET 2019</b>	<b>BUDGET YTD 09/30/2019</b>	<b>ACTUAL YTD 09/30/2019</b>	<b>2018 Actual YTD</b>
<b>INCOME</b>						
Company Dues		16-3020-01	307,890.00	307,890.00	307,890.00	316,580.00
Company Dues - New Members		16-3025-01	0.00	0.00	1,400.00	0.00
Associate Dues		16-3030-01	6,060.00	4,545.00	6,060.00	6,660.00
Interest and Dividends		16-3800-01	230.00	173.00	132.59	230.92
MESH Committee Meeting Registrations		16-3900-01	11,000.00	8,250.00	8,115.33	5,549.60
Miscellaneous Income		16-3920-01	0.00	0.00	0.00	0.00
TSCA Test Rule		16-3940-01	0.00	0.00	0.00	0.00
Coal Chemicals		16-3950-01	0.00	0.00	0.00	0.00
PAH Scpg Proj/2 PAH Proj In		16-3960-01	0.00	0.00	0.00	0.00
Dermal PAH IRIS Cmnts In		16-3965-01	0.00	0.00	0.00	0.00
2 PAH Proj/Legal In		16-3970-01	0.00	0.00	0.00	0.00
<b>Total ACCCI General/ Admin. Income</b>			<b>325,180.00</b>	<b>320,858.00</b>	<b>323,597.92</b>	<b>329,020.52</b>
<b>EXPENSES</b>			<b>BUDGET 2019</b>	<b>BUDGET YTD 09/30/2019</b>	<b>ACTUAL YTD 09/30/2019</b>	<b>2018 Actual YTD</b>
Audit and Bond		16-4050-01	3,600.00	2,700.00	0.00	0.00
Computer Services		16-4070-01	1,000.00	750.00	0.00	500.00
Dues and Subscriptions		16-4100-01	1,690.00	1,268.00	1,690.00	1,500.00
Insurance (O&D Liability)		16-4170-01	3,000.00	2,250.00	2,504.00	2,704.00
Legal Counsel (Fees)		16-4188-01	15,000.00	11,250.00	7,500.00	7,500.00
Legal Counsel (Expenses)		16-4189-01	1,200.00	900.00	432.34	399.15
Management (Staff)		16-4240-01	116,800.00	87,600.00	87,309.00	87,309.00
Headquarters		16-4250-01	500.00	375.00	0.00	0.00
Board of Dir./F&B Comm mtgs.		16-4320-01	1,500.00	1,125.00	1,241.40	1,179.10
Meeting Expense		16-4325-01	0.00	0.00	0.00	0.00
Miscellaneous		16-4360-01	1,000.00	750.00	381.00	776.91
Postage/Freight/Delivery		16-4400-01	250.00	188.00	100.72	180.55
Stationery/Printing/Supplies		16-4440-01	350.00	263.00	165.33	229.93
Gifts/Awards		16-4447-01	500.00	375.00	0.00	461.66
Statistical Programs		16-4450-01	500.00	375.00	197.14	211.30
Administrative/Accounting/Mailroom		16-4460-01	800.00	600.00	758.63	730.89
Taxes		16-4470-01	0.00	0.00	0.00	0.00
Telephone/FAX/Equip/Reception		16-4480-01	500.00	375.00	349.50	349.50
Travel--Staff		16-4500-01	3,500.00	2,625.00	1,826.65	4,668.99
Travel--Staff International		16-4550-01	0.00	0.00	0.00	0.00
Foundry Facts		16-4700-01	0.00	0.00	0.00	0.00
Foundry Facts		16-4700-01	0.00	0.00	0.00	0.00
Steiner Consulting		16-4907-01	0.00	0.00	0.00	0.00
Transition		16-4908-01	0.00	0.00	0.00	0.00
Web Site Development/Maintenance		16-4909-01	1,000.00	750.00	438.75	538.75
<b>Sub Total General/ Admin. Expense</b>			<b>152,690.00</b>	<b>114,519.00</b>	<b>104,894.46</b>	<b>109,239.73</b>

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE  
FINANCIAL REPORT  
MONTH ENDING SEPTEMBER 30, 2019**

COMMITTEES:		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
Coke Committee	16-4341-01	0.00	0.00	0.00	38.77
MESH Committee	16-4344-01	15,000.00	11,250.00	3,372.73	9,572.13
Coal Chemicals	16-4347-01	0.00	0.00	0.00	14.32
International Committee	16-4348-01	0.00	0.00	0.00	0.00
Integrated Steel Committee	16-4349-01	0.00	0.00	0.00	0.00
International Committee	16-4348-01	0.00	0.00	0.00	0.00
Gov't Relations Committee	16-4351-01	0.00	0.00	0.00	0.00
<b>Total Committee Expense</b>		<b>15,000.00</b>	<b>11,250.00</b>	<b>3,372.73</b>	<b>9,625.22</b>
<b>Total ACCCI General/ Admin and Committee. Expenses</b>		<b>167,690.00</b>	<b>125,769.00</b>	<b>108,267.19</b>	<b>118,864.95</b>
<b>REGULATORY AFFAIRS STAFF and ADMIN.</b>					
EXPENSES		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
Dues & Subscriptions	16-4413-01	0.00	0.00	0.00	0.00
Meeting Expense	16-4415-01	2,000.00	1,500.00	426.92	1,627.78
Miscellaneous	16-4420-01	0.00	0.00	0.00	0.00
Postage/Freight/Delivery	16-4425-01	0.00	0.00	0.00	0.00
Stationary/Printing/Office Supplies	16-4430-01	0.00	0.00	0.00	0.00
Administrative/Accounting/Mailroom	16-4435-01	0.00	0.00	0.00	0.00
Telephone/Fax	16-4449-01	0.00	0.00	0.00	0.00
Staff Specialist	16-4411-01	104,400.00	78,300.00	78,300.00	78,300.00
Travel	16-4412-01	3,000.00	2,250.00	1,320.63	988.51
<b>Total Regulatory Affairs Expenses</b>		<b>109,400.00</b>	<b>82,050.00</b>	<b>80,047.55</b>	<b>80,916.29</b>
<b>REGULATORY AFFAIRS PROJECTS (LEGAL/CONSULTANTS)</b>					
OSHA COE Standard		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
Legal	16-4925-01	0.00	0.00	0.00	0.00
Consultant	16-4926-01	0.00	0.00	0.00	0.00
<b>ELG Project</b>					
Legal	16-4927-01	0.00	0.00	0.00	0.00
Consultant	16-4928-01	0.00	0.00	0.00	0.00
Meeting/Telephone	16-4414-01	0.00	0.00	0.00	0.00
<b>OSHA Misc.</b>					
Legal	16-4945-01	0.00	0.00	0.00	0.00
Consultant	16-4946-01	0.00	0.00	0.00	0.00
<b>Environmental Misc.</b>					
Legal	16-4950-01	41,695.00	31,271.00	32,816.25	64,488.75
Consultant	16-4951-01	0.00	0.00	0.00	0.00
<b>TSCA Test Rule</b>					
Consultant/Legal	16-4954-01	0.00	0.00	0.00	0.00
<b>Tar Refiners Misc.</b>					
Consultant/Legal	16-5720-13	6,615.00	4,961.00	6,615.00	16,540.00
PAH Scpg Proj Out	16-5720-15	0.00	0.00	0.00	0.00
Dermal PAH IRIS Cmnts Out	16-5721-15	0.00	0.00	0.00	0.00
2 PAH Proj Out	16-5723-15	0.00	0.00	0.00	0.00
2 PAH Proj/Legal Out	16-5725-15	0.00	0.00	0.00	0.00
<b>Total Regulatory Project Expense</b>		<b>48,310.00</b>	<b>36,232.00</b>	<b>39,431.25</b>	<b>81,028.75</b>
<b>Total Regulatory Affairs Expenses (Staff and Projects)</b>		<b>157,710.00</b>	<b>118,282.00</b>	<b>119,478.80</b>	<b>161,945.04</b>

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ACCCI ANNUAL MEETINGS					
<b>SPRING MEETING INCOME</b>		<b>BUDGET 2019</b>	<b>BUDGET YTD 09/30/2019</b>	<b>ACTUAL YTD 09/30/2019</b>	<b>2018 Actual YTD</b>
Spring Meeting Registrations	16-3500-02	47,660.00	35,745.00	35,940.00	38,685.00
Spring Meeting Sponsorships	16-3504-02	9,000.00	6,750.00	9,000.00	10,500.00
<b>Total Spring Meeting Income</b>		<b>56,660.00</b>	<b>42,495.00</b>	<b>44,940.00</b>	<b>49,185.00</b>
<b>EXPENSES</b>					
Theme Party	16-5201-02	0.00	0.00	0.00	0.00
Entertainment	16-5202-02	4,000.00	3,000.00	992.00	1,500.00
Hotel Master Acct. (F&B, A/V, etc.)	16-5204-02	48,000.00	36,000.00	44,113.32	41,422.94
Miscellaneous/Staff Support	16-5206-02	500.00	375.00	0.00	0.00
Printing/Graphic Design	16-5208-02	1,200.00	900.00	892.92	1,022.91
Speaker Fees/Travel	16-5210-02	20,000.00	15,000.00	19,708.65	19,582.82
Gifts/Awards	16-5214-02	2,000.00	1,500.00	1,917.98	2,570.24
Staff Travel	16-5212-02	2,500.00	1,875.00	2,000.35	1,295.35
<b>Total Spring Meeting Expense</b>		<b>78,200.00</b>	<b>58,650.00</b>	<b>69,625.22</b>	<b>67,394.26</b>
<b>FALL MEETING INCOME</b>		<b>BUDGET 2019</b>	<b>BUDGET YTD 09/30/2019</b>	<b>ACTUAL YTD 09/30/2019</b>	<b>2018 Actual YTD</b>
Fall Meeting Registrations	16-3600-03	1,200.00	900.00	0.00	0.00
Fall Meeting Sponsorships	16-3604-03	0.00	0.00	0.00	0.00
<b>Total Fall Meeting Income</b>		<b>1,200.00</b>	<b>900.00</b>	<b>0.00</b>	<b>0.00</b>
<b>EXPENSES</b>					
Theme Party	16-5301-03	0.00	0.00	0.00	0.00
Entertainment	16-5302-03	0.00	0.00	0.00	0.00
Master Acct. (F&B, A/V, etc.)	16-5304-03	3,000.00	2,250.00	0.00	0.00
Miscellaneous/Staff Support	16-5306-03	500.00	375.00	0.00	0.00
Printing/Graphic Design	16-5308-03	0.00	0.00	0.00	0.00
Speaker Fees/Travel	16-5310-03	0.00	0.00	0.00	0.00
Staff Travel	16-5312-03	3,000.00	2,250.00	0.00	0.00
Gifts/Awards	16-5314-03	0.00	0.00	0.00	0.00
<b>Total Fall Meeting Expenses</b>		<b>6,500.00</b>	<b>4,875.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Net Balance (Income to Expenses)</b>		<b>(27,060.00)</b>	<b>56,677.00</b>	<b>71,166.71</b>	<b>30,001.27</b>
<b>ACCCI Reserve Account Balance</b>		<b>BUDGET 2019</b>	<b>BUDGET YTD 09/30/2019</b>	<b>ACTUAL YTD 09/30/2019</b>	<b>2018 Actual YTD</b>
ACCCI Reserve Account Balance carried forward January 1, 2019		0.00	0.00	111,122.99	
ACCCI Expenses paid from ACCCI Reserve Account		0.00	0.00	0.00	
<b>Balance in ACCCI Reserve account Balance</b>		<b>0.00</b>	<b>0.00</b>	<b>111,122.99</b>	

AMERICAN COKE AND COAL CHEMICALS INSTITUTE  
**FINANCIAL REPORT**  
 MONTH ENDING SEPTEMBER 30,2019

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<b>ACCOUNTING FOR EXTERNAL COMMITTEES</b>					
<b>COETF</b>		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
<b>INCOME</b>					
COETF Transfers In	16-3930-01	17,500.00	5,833.00	31,336.92	79,339.26
<b>Total COETF Transfers In</b>		<b>17,500.00</b>	<b>5,833.00</b>	<b>31,336.92</b>	<b>79,339.26</b>
<b>EXPENSES</b>		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
Staff Specialist	16-9100-01				
Consultant / Legal	16-9115-01	17,500.00	5,833.00	84,556.60	20,037.50
Mtg / Telephone	16-9120-01	0.00	0.00	419.54	0.00
<b>Total COETF Transfers Out</b>		<b>17,500.00</b>	<b>5,833.00</b>	<b>84,976.14</b>	<b>20,037.50</b>
<b>BALANCE COETF</b>		<b>0.00</b>	<b>0.00</b>		
COETF Reserve Account Balance carried forward January 1, 2019		0.00	0.00	98,532.47	
COETF Expenses paid from COETF Reserve Account		0.00	0.00	0.00	
Balance in COETF Reserve account Balance		98,532.47	0.00	44,893.25	
<b>PCTC</b>		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
<b>INCOME</b>					
PCTC Transfers In	16-3915-01	413,200.00	137,733.00	410,200.00	413,200.00
<b>Total PCTC Transfers In</b>		<b>413,200.00</b>	<b>137,733.00</b>	<b>410,200.00</b>	<b>413,200.00</b>
<b>EXPENSES</b>		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
PCTC Transfers Out	16-4335-01				
<b>Total PCTC Transfers Out</b>		<b>413,200.00</b>	<b>137,733.00</b>	<b>410,200.00</b>	<b>413,200.00</b>
<b>BALANCE PCTC</b>		<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>PAH Project Tar Refiners</b>		BUDGET 2019	BUDGET YTD 09/30/2019	ACTUAL YTD 09/30/2019	2018 Actual YTD
PAH Project Tar Refiner Reserve Account Balance carried forward January 1, 2019					
PAH Project Tar Refine Expenses paid from PAH Reserve Account		0.00	0.00	0.00	0.00
Balance in PAH Project Tar Refine Reserve account Balance		0.00	0.00	51,422.19	51,422.19

**AMERICAN COKE AND COAL  
CHEMICALS INSTITUTE  
FINANCIAL STATEMENTS  
AND  
AUDITOR'S REPORT  
DECEMBER 31, 2018 AND 2017**

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**PATTON AND COMPANY CPAs**

2040 WEST END AVENUE  
POTTSVILLE, PA 17901  
570-581-8095

ROBERT B. PATTON, CPA  
email@pattonandcompany.com

MEMBER:  
AMERICAN INSTITUTE OF CPAs  
PENNSYLVANIA INSTITUTE OF CPAs

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**INDEPENDENT AUDITOR'S REPORT**

October 23, 2019

Board of Directors  
American Coke and Coal Chemicals Institute  
25 Massachusetts Avenue NW Suite 800  
Washington, DC 20001

I have audited the accompanying financial statements of American Coke and Coal Chemicals Institute (a nonprofit organization), which comprise the statements of financial position as of December 31, 2018 and 2017, and the related statements of activities and cash flows for the years then ended, and the related notes to the financial statements.

**Management's Responsibility for the Financial Statements**

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

**Auditor's Responsibility**

My responsibility is to express an opinion on these financial statements based on my audits. I conducted my audits in accordance with auditing standards generally accepted in the United States of America. Those standards require that I plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, I express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

**Opinion**

In my opinion, the financial statements referred to above present fairly, in all material respects, the financial position of American Coke and Coal Chemicals Institute as of December 31, 2018 and 2017, and the changes in its net assets and its cash flows for the years then ended in accordance with accounting principles generally accepted in the United States of America.

**Report on Supplementary Information**

My audit was conducted for the purpose of forming an opinion on the financial statements as a whole. The schedule of functional expenses on page 6 is presented for purposes of additional analysis and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In my opinion, the information is fairly stated in all material respects in relation to the financial statements as a whole.

*Patton and Company CPAs*  
Patton and Company CPAs

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE**  
**STATEMENTS OF FINANCIAL POSITION**  
**DECEMBER 31, 2018 AND 2017**

**ASSETS**

	<b><u>2018</u></b>	<b><u>2017</u></b>
<b><u>CURRENT ASSETS</u></b>		
Cash and Cash Equivalents:		
Cash - Checking	\$ 23,268	\$ 36,834
Cash - Savings	122,232	221,931
Cash - Checking - COETF	<u>98,484</u>	<u>13,444</u>
 Total Cash and Cash Equivalents	 243,984	 272,209
 Accounts Receivable	 3,094	 2,303
Prepaid Expenses	<u>14,000</u>	<u>16,000</u>
 TOTAL ASSETS	 <u>\$ 261,078</u>	 <u>\$ 290,512</u>

**LIABILITIES AND NET ASSETS**

<b><u>CURRENT LIABILITIES</u></b>		
Dues Received in Advance	\$ <u>-0-</u>	\$ <u>-0-</u>
 Total Liabilities	 -0-	 -0-
 <b><u>NET ASSETS</u></b>		
Without Donor Restrictions	<u>261,078</u>	<u>290,512</u>
 Total Net Assets	 <u>261,078</u>	 <u>290,512</u>
 TOTAL LIABILITIES AND NET ASSETS	 <u>\$ 261,078</u>	 <u>\$ 290,512</u>

**THE NOTES TO THE FINANCIAL STATEMENTS ARE AN INTEGRAL**  
**PART OF THESE STATEMENTS**

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE**  
**STATEMENT OF ACTIVITIES**  
**FOR THE YEAR ENDED DECEMBER 31, 2018**  
**(WITH COMPARATIVE TOTALS FOR THE YEAR ENDED DECEMBER 31, 2017)**

	<u>2018</u>	<u>2017</u>
<b><u>REVENUE</u></b>		
Membership Dues:		
Company	\$ 272,180	\$ 319,780
Associate	6,660	7,290
Total Membership Dues	<u>278,840</u>	<u>327,070</u>
Annual Meetings:		
Spring	45,720	42,330
Fall	500	1,000
Total Annual Meetings	<u>46,220</u>	<u>43,330</u>
Special Projects:		
PAH SCPG Project 2	-0-	12,000
COETF Assessments	113,465	-0-
Total Special Projects	<u>113,465</u>	<u>12,000</u>
Other Revenue:		
MESH Meeting Registration	10,101	11,768
Interest Income	301	265
Miscellaneous	-0-	950
Total Other Revenue	<u>10,402</u>	<u>12,983</u>
 TOTAL REVENUE	 <u>448,927</u>	 <u>395,383</u>
<b><u>EXPENSES</u></b>		
Program Services:		
Special Projects	16,540	72,285
Regulatory Affairs	194,459	167,652
COETF	28,426	-0-
Total Program Services	<u>239,425</u>	<u>239,937</u>
Supporting Services:		
General and Administrative	238,936	238,966
 TOTAL EXPENSES	 <u>478,361</u>	 <u>478,903</u>
<b><u>CHANGE IN NET ASSETS</u></b>	<b>(29,434)</b>	<b>(83,520)</b>
<b><u>NET ASSETS - BEGINNING OF YEAR</u></b>	<b><u>290,512</u></b>	<b><u>374,032</u></b>
<b><u>NET ASSETS - END OF YEAR</u></b>	<b><u>\$ 261,078</u></b>	<b><u>\$ 290,512</u></b>

**THE NOTES TO THE FINANCIAL STATEMENTS ARE AN INTEGRAL**  
**PART OF THESE STATEMENTS**

**AMERICAN COKE AND COAL CHEMICALS  
STATEMENTS OF CASH FLOWS  
FOR THE YEARS ENDED DECEMBER 31, 2018 AND 2017**

	<u>2018</u>	<u>2017</u>
<b><u>CASH FLOWS FROM OPERATING ACTIVITIES</u></b>		
Change in Net Assets	\$ (29,434)	\$ (83,520)
Changes in Assets and Liabilities:		
(Increase) Decrease in Accounts Receivable	(791)	(280)
(Increase) Decrease in Prepaid Expenses	<u>2,000</u>	<u>(5,250)</u>
NET CASH PROVIDED (USED) BY OPERATING ACTIVITIES	(28,225)	(89,050)
<b><u>CASH - BEGINNING OF YEAR</u></b>	<u>272,209</u>	<u>361,259</u>
<b><u>CASH - END OF YEAR</u></b>	<u>\$ 243,984</u>	<u>\$ 272,209</u>

**THE NOTES TO THE FINANCIAL STATEMENTS ARE AN INTEGRAL  
PART OF THESE STATEMENTS**

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE**  
**SCHEDULE OF FUNCTIONAL EXPENSES**  
**FOR THE YEAR ENDED DECEMBER 31, 2018**  
**(WITH COMPARATIVE TOTALS FOR THE YEAR ENDED DECEMBER 31, 2017)**

	<u>SPECIAL</u> <u>PROJECTS</u>	<u>REGULATORY</u> <u>AFFAIRS</u>	<u>COETF</u>	<u>GENERAL</u> <u>&amp;</u> <u>ADMINISTRATIVE</u>	<u>2018</u> <u>TOTAL</u>	<u>2017</u> <u>TOTAL</u>
Audit and bond	\$ -0-	\$ -0-	\$ -0-	\$ 3,500	\$ 3,500	\$ 3,500
Computer Services	-0-	-0-	-0-	500	500	220
Dues and Subscriptions	-0-	-0-	-0-	1,500	1,500	1,565
Gifts/Awards	-0-	-0-	-0-	462	462	1,219
Insurance	-0-	-0-	-0-	2,704	2,704	2,504
Legal	-0-	85,129	28,426	16,150	129,705	75,598
Management Fees (Note 2)	-0-	-0-	-0-	116,412	116,412	116,412
Meeting - Fall	-0-	-0-	-0-	4,300	4,300	259
Meeting - Other	-0-	1,982	-0-	17,150	19,132	25,884
Meeting - Spring	-0-	-0-	-0-	68,401	68,401	63,805
Miscellaneous	-0-	-0-	-0-	787	787	1,924
Postage	-0-	-0-	-0-	180	180	112
Administration	-0-	-0-	-0-	731	731	608
Specialist	-0-	104,400	-0-	-0-	104,400	104,400
Statistics Program	-0-	-0-	-0-	211	211	211
Printing/Supplies	-0-	-0-	-0-	253	253	139
MSDS Coal Tar Consulting	16,540	-0-	-0-	-0-	16,540	16,540
PAH Project	-0-	-0-	-0-	-0-	-0-	55,745
Telephone	-0-	-0-	-0-	409	409	410
Travel	-0-	2,948	-0-	4,747	7,695	7,309
Web Site	-0-	-0-	-0-	539	539	539
<b>TOTAL</b>	<b>\$ 16,540</b>	<b>\$ 194,459</b>	<b>\$ 28,426</b>	<b>\$ 238,936</b>	<b>\$ 478,361</b>	<b>\$478,903</b>

**THE NOTES TO THE FINANCIAL STATEMENTS ARE AN INTEGRAL**  
**PART OF THESE STATEMENTS**

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2018 and 2017**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**PURPOSE**

The American Coke and Coal Chemicals Institute (ACCCI) was created in 1944 to promote the interest of the Coke and Coal Chemicals Industry. ACCCI advances the interest of the metallurgical coke and coal chemicals industry by communicating industry positions to members of Congress and Federal regulatory officials; cooperating with governmental agencies having jurisdiction over the industry; providing a forum for the exchange of information and discussion of issues; collecting statistics related to the industry; and, promoting the use of coke and its byproducts in the marketplace.

**INCOME TAXES**

ACCCI is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code. ACCCI is also exempt from District of Columbia income tax.

**BASIS OF ACCOUNTING**

The accompanying financial statements have been prepared on the accrual method of accounting, whereby revenue is recognized in the year in which it is earned, and expenses are recognized in the year in which they are incurred.

**CASH AND CASH EQUIVALENTS**

Cash and cash equivalents consist of demand deposits with financial institutions. ACCCI's demand deposits with financial institutions at times exceeded federally insured limits. ACCCI has not experienced any losses in such accounts, and management believes it is not exposed to any significant credit risks.

**ACCOUNTS RECEIVABLE**

ACCCI recognizes bad debts when, in the opinion of management, a specific account becomes uncollectible.

**DUES RECEIVED IN ADVANCE**

Amounts received before year end for the succeeding year dues are reflected as a current liability classified as dues received in advance.

**FUNCTIONAL EXPENSES**

ACCCI allocates its expenses on a functional basis among its various programs. Expenses that can be identified with a specific program or general and administrative service are allocated directly according to their natural expenditure classification. Other expenses that are common to several functions are allocated by various statistical bases.

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE**  
**NOTES TO THE FINANCIAL STATEMENTS**  
**DECEMBER 31, 2018 and 2017**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES – (Continued)**

**USE OF ESTIMATES**

The preparation of financial statements in conformity with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

**RECLASSIFICATIONS**

Certain amounts in the 2017 financial statements have been reclassified to conform to the 2018 presentation.

**FINANCIAL STATEMENT PRESENTATION**

In August 2016, the Financial Accounting Standards Board (FASB) issued Accounting Standards Update (ASU) 2016-14, *Not-for-Profit Entities* (ASU 2016-14) which improves current reporting requirements for not-for-profit entities. The most significant provisions of the ASU require not-for-profit entities to 1) report only two classes of net assets, 2) change the cash flow presentation or disclosure requirements for entities using the direct method of presenting cash flows, and 3) provide enhanced disclosure related to liquidity, underwater endowments, board designated net assets and time-restricted net assets. This update was effective for fiscal years beginning after December 15, 2017. The Organization has adopted this ASU 2016-14 for its financial statements.

The financial statements include certain prior-year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with U.S. generally accepted accounting principles. Accordingly, such information should be read in conjunction with the ACCCI's financial statements for the year ended December 31, 2018, from which the summarized information was derived.

**NOTE 2 – MANAGEMENT CONTRACT**

ACCCI is managed by Ailor Consulting.

**NOTE 3 – EVALUATION OF SUBSEQUENT EVENTS**

The Organization has evaluated subsequent events through October 23, 2019 the date which the financial statements were available to be issued.

**PATTON AND COMPANY CPAs**

2040 WEST END AVENUE  
POTTSVILLE, PA 17901  
570-581-8095

ROBERT B. PATTON, CPA  
email@pattonandcompany.com

MEMBER:  
AMERICAN INSTITUTE OF CPAs  
PENNSYLVANIA INSTITUTE OF CPAs

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October 23, 2019

American Coke and Coal Chemicals Institute  
c/o Janis R. Deitch  
911 Whitewater Drive  
Mars, PA 16046

Dear Janis:

In response to your request, I would submit a cost estimate of \$3,600 to perform an audit of the financial statements of American Coke and Coal Chemicals Institute for the year ended December 31, 2019. This would include preparation of the Organization's Form 990 income tax return.

I would anticipate performing the audit in June, July and August with completion in September for your annual meeting.

Very truly yours,



Robert B. Patton, CPA  
Patton and Company CPAs

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE**

**BOARD OF DIRECTORS MEETING**

**Friday, November 8, 2019**

**REPORT OF THE 2019 NOMINATING COMMITTEE  
FOR OFFICERS WITH TERMS EXPIRING IN 2020**

**Committee**

Michael Rhoads (Chair)	U. S. Steel
Rob Gray	Hickman Williams & Co.
David Schoen	Koppers, Inc.
Ron Burnette	DTE Energy Services

**Officers' Terms Expiring on April 26, 2020**

Chairman	Rob Carlin	DTE Energy Services
Vice Chairman	Dean Bishop	ABC Coke
Secretary/Treasurer	Jeff Wozek	SunCoke Energy

\* \* \* \* \*

**Proposed Slate of New Officers (Two-year terms)<sup>1</sup>**

(for Vote by the Board on Thursday, November 8, 2019)

Chairman	Dean Bishop	ABC Coke
Vice Chairman	Jeff Wozek	SunCoke Energy
Secretary/Treasurer	Ron Burnette	DTE Energy Services

<sup>1</sup> Two-year term starts on April 26, 2020

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE**

**BYLAWS**

**Amended and Restated as of August 28, 2000**

**ARTICLE I**

**Name and Purpose**

**Section 1. Name.** The name of this corporation is the American Coke and Coal Chemicals Institute (the "Corporation").

**Section 2. Purposes.** The purposes for which the Corporation are organized are as follows:

- a) To promote the interests of the coke and coal chemicals industry;
- b) To collect statistics and information concerning any matters connected in any way with the coke and coal chemicals industry and to make reports based thereon to the members of the Corporation and/or to the public;
- c) To provide a forum for the exchange of information and discussion of problems relating to the coke and coal chemicals industry;
- d) To cooperate with any and all agencies of the United States of America or of any State having jurisdiction over any part of the activities of the coke and coal chemicals industry;
- e) To do any and all things necessary, suitable, convenient, or proper in connection with, or incidental to, the accomplishment of any of the purposes hereinbefore enumerated, and in general to do any and all things and exercise any and all powers which it may now or hereafter be lawful for the Corporation to do or exercise under the laws of the State of Illinois that may now or hereafter be applicable to the Corporation; and,
- f) Subject to such limitations as may be prescribed by law, to receive and acquire by grant, gift, purchase, devise, bequest, or otherwise property of any and all kinds, whether real, personal, or chosen in action and to hold, maintain, invest, accumulate and dispose therefrom for the furtherance of the purposes specified above.

**ARTICLE II**

**Offices**

The principal office of the Corporation shall be located in Washington, D.C. The Corporation may have such other offices, either within or without the State of Illinois and the District of Columbia, as the business of the Corporation may require from time to time.

The registered office of the Corporation required by The General Not for Profit Corporation Act of Illinois to be maintained in the State of Illinois may be, but need not be, identical with the principal office in the State of Illinois, and the address of the registered office may be changed from time to time by the Board of Directors.

### **ARTICLE III**

#### **Members**

**Section 1. Categories of Members.** The Corporation shall have members. There shall be two categories of members: (i) Company Members, and (ii) Individual Members (sometimes hereinafter collectively referred to as "Members"). Each category of Members shall be comprised of the various classes of Members described in Section 2 and Section 3 of this Article III. In addition, the Corporation may have such other classes of Members within such categories of Members as the Board of Directors may from time to time establish and define in these Bylaws.

**Section 2. Company Members.** There shall be eleven (11) classes of Company Members. A Company Member must be organized as either a corporation, partnership, association, or limited liability company (each, a "qualifying company"). The Corporation has authorized the following classes of Company Members, each of which is described below: (i) Merchant Coke Producer Members; (ii) Integrated Coke Producer Members; (iii) Alternative Coke Producer Members; (iv) Metallurgical Coal Producer Members; (v) Coke/Coal/Coal Byproduct Sales Agent/Broker Members; (vi) Tar Distiller Members; (vii) Chemical Producer/Processor Members; (viii) Transportation Company Members; (ix) Foreign Chemical Producer/Processor Members; (x) Foreign Coke Producer Members; and (xi) Builder/Supplier Members.

- i. **Merchant Coke Producer Members.** These members are comprised of qualifying companies that are merchant coke producers that carbonize a minimum of 100,000 tons of coal per year. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.
- ii. **Integrated Coke Producer Members.** These members are comprised of qualifying companies that are integrated coke producers that carbonize a minimum of 100,000 tons of coal per year. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.
- iii. **Alternative Coke Producer Members.** These members are comprised of qualifying companies that are coke producers that (a) are not classified as either Merchant Coke Producers or Integrated Coke Producers and that (b) carbonize a minimum of 100,000 tons of coal per year. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.
- iv. **Metallurgical Coal Producer Members.** These members are comprised of qualifying companies that are producers of metallurgical coal. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.

- v. Coke/Coal/Coke Byproduct Sales Agent/Broker Members. These members are comprised of qualifying companies that are Sales Agents or Brokers with respect to Coke, Coal, Coke/Coal Byproducts, Refined Tar, and others. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.
- vi. Tar Distiller Members. These members are comprised of qualifying companies that are distillers of tar. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.
- vii. Chemical Producer/Processor Members. These members are comprised of qualifying companies that are producers or processors of chemicals derived from petroleum, the distillation of coal or otherwise. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.
- viii. Transportation Company Members. These members are comprised of qualifying companies that are engaged in the transportation of commodities. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.
- ix. Foreign Chemical Producer/Processor Members. These members are comprised of qualifying companies that (a) are not organized in the United States, Canada, or Mexico, and (b) do not qualify under any other class of Company Member, but that are producers or processors of chemicals derived from petroleum, the distillation of coal, or otherwise. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.
- x. Foreign Coke Producer Members. These members are comprised of qualifying companies that otherwise would qualify for membership as a Merchant Coke Producer Member or as an Integrated Coke Producer Member but are not organized in the United States, Canada, or Mexico. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.
- xi. Builder/Supplier Members. These members are comprised of qualifying companies that are engaged in the construction of coke ovens, coke oven byproduct plants and/or chemical plants, suppliers of major components and/or machinery that constitutes major constituent parts of such ovens or plants, and suppliers of technical services or products to the coke industry. A qualifying company that is admitted to this class of membership is entitled to appoint two representatives to act on its behalf at member meetings.

**Section 3. Individual Members.** There shall be four (4) classes of Individual Members. An Individual Member may or may not be a person that is employed by or affiliated with a Company Member. The Corporation has authorized the following classes of Individual Members, each of which is described below: (i) Associate Members; (ii) Honorary Members; (iii) Academic Members, and (iv) Life Members.

- i. Associate Members. These members are comprised of qualifying individuals who are actively associated with a Company Member.

- ii. Honorary Members. These members are comprised of such qualifying individuals who have distinguished themselves such that the Corporation determines that such individuals merit such honorary membership.
- iii. Academic Members. These members are comprised of qualifying individuals who have distinguished themselves in academia on matters of interest to the Corporation such that the Corporation determines that such individuals merit such academic membership.
- iv. Life Members. These members are comprised of qualifying individuals who previously were (a) a representative of a Company Member of the Corporation, or (b) belonged to another class of Individual Member.

**Section 4. Election of Members.** Application to become a Company Member or an Individual Member shall be on such additional specific terms and conditions, including with respect to payment of dues and assessments, as the Board of Directors may from time to time determine or authorize by resolution. Any application from a prospective member of the Corporation shall be transmitted to the President of the Corporation, who shall follow such procedures in processing such application as the Board of Directors may from time to time direct.

**Section 5. Suspension or Expulsion of a Member.** Any Member may be suspended or expelled for cause by the affirmative vote of three-fourths of the Board of Directors at a duly called meeting of the Board of Directors at which a quorum is present, provided that at least one (1) month's advance notice of such meeting shall be given to the Member involved.

**Section 6. Informal Action by Voting Members.** Any action required to be taken at a meeting of the Members by Members with voting rights may be taken without a meeting if (i) a consent in writing, setting forth the action so taken, shall be signed by a majority of the Members with voting rights entitled to vote on the subject matter upon which such action is to be taken; (ii) at least five (5) days prior to the effective date of such consent, a notice in writing of the proposed action is delivered to all of the Members with voting rights entitled to vote on the subject matter upon which such action is to be taken; and (iii) after the effective date of such consent, prompt notice in writing of the taking of the action without a meeting is delivered to those Members entitled to vote who have not consented in writing.

**Section 7. Annual Meetings.** The annual meeting of the Members of the Corporation shall be held at such time and place as may be designated by the Board of Directors.

Notice of each annual meeting of the Members shall be given by the President or Secretary to each Member entitled to vote at such meeting, by delivering such notice to such members personally or by mailing the same to them at the addresses which appear on the books of the Corporation, not less than ten days nor more than forty days prior to the date of said meeting, unless otherwise required by statute. Nevertheless, to the extent permitted by law, the failure to give such notice, or any irregularity in such notice, shall not affect the validity of any annual meeting, or of any proceedings at any such meeting.

**Section 8. Special Meetings.** Special meetings of Members shall be held at such time and place as may be designated by the Board of Directors.

Special meetings of the Members with voting rights may be called by the Chairman, by the President, by the Board of Directors, or by twenty percent of the Members with voting rights.

Notice of each special meeting indicating the purposes thereof shall be given by the Chairman, President, or Secretary, or persons calling said meeting to each Member entitled to vote at such meeting by delivering such notice to each such Member personally, or by mailing, faxing, or e-mailing the same to them at the addresses which appear upon the books of the Corporation, not less than five days nor more than forty days prior to the date of said meeting.

**Section 9. Regional Meetings.** Regional meetings of the members may be called by the President on the written request of any member of the Board of Directors. No action binding on the Corporation may be taken at any regional meeting.

**Section 10. Quorum.** At any meeting of the Members, a majority of all the Members entitled to vote at such meeting, whether present in person or represented by proxy, shall constitute a quorum for all purposes.

If the Members necessary to constitute a quorum shall fail to attend in person or by proxy at the time and place fixed by these bylaws for an annual meeting or for a special meeting called as herein provided, a majority of the Members entitled to vote at such meeting present in person or by proxy may adjourn the meeting from time to time without notice other than by the announcement at the meeting, until the number of Members requisite to constitute a quorum shall attend. At any such adjourned meeting at which a quorum shall be present, any business may be transacted which might have been transacted at the meeting as previously called.

**Section 11. Presiding Officer of Meetings.** The Chairman, and in his absence a Vice Chairman, shall call meetings of the Members to order, and shall preside at such meeting, and in the absence of the Chairman and Vice Chairman, the Members present who are entitled to vote at such meeting by a majority vote may elect a presiding officer.

The Secretary of the Corporation shall act as secretary of all meetings of the Members; but in the absence of the Secretary at any meeting of the members, the presiding officer may appoint any person to act as secretary of the meeting.

**Section 12. Voting.** The only members of the Corporation with voting rights shall be the Merchant Coke Producer Members, which voting members shall exercise their voting rights, as described in these Bylaws, through their appointed representative(s). Accordingly, at each meeting of the Members, each of the representatives of each of the Members with voting rights shall be entitled to one (1) vote each in person or by proxy, provided that said proxy be duly designated by an instrument in writing subscribed by such representative(s), and delivered to the inspectors at the meeting.

The representatives of Members with voting rights may vote by voice vote, mail, fax, e-mail, or telegraph under such conditions as may from time to time be determined by resolution of the Board of Directors; provided, however, that mail, fax, e-mail and telegraph voting shall not be permitted for the election of the members of the Board of Directors. Upon demand of any voting representative of a Member with voting rights, a vote upon any question before to such Members at a meeting (including a vote to elect members to the Board of Directors), shall be by written ballot.

**ARTICLE IV**

**Directors**

**Section 1. Powers.** The business and the property of the Corporation shall be managed and controlled by the Board of Directors.

**Section 2. Number, Election, Staggered Terms and Vacancies.** The number of directors of the Corporation shall be no more than eighteen (18) and no less than twelve (12).

At each annual meeting of the Members of the Corporation, the Members entitled to vote shall vote to fill any expiring directorships on the Board of Directors by voting to elect candidates for such directorships as the then existing Board of Directors (or a Nominating Committee comprised of members of the Board of Directors) shall have determined to nominate in advance of such vote of the Members. Election of directors shall be by an affirmative majority vote of the Members entitled to vote. The members of any Nominating Committee utilized by the Corporation shall be appointed by the Board of Directors.

The Board of Directors shall be classified with respect to the time which they shall severally hold office by dividing them into three groups having staggered terms, each to consist of approximately one-third of the total number of directors. At each annual meeting of the Members, the successors to the group of directors whose terms shall expire in that year shall be elected (or re-elected) to hold office for a term of three years, so that the terms of the directors in one of the three groups of directors shall expire in each year. The three-year term of office does not apply, however, to the Industry Supplier director. The Industry Supplier director may only hold office for a term of two years, after which a successor shall be elected (or re-elected) to hold office. Directors need not be residents of the State of Illinois.

In case of a vacancy on the Board of Directors through death, resignation, disqualification, or cause other than the expiration of the term of a directorship, the remaining directors by affirmative vote of a majority may elect a successor. A director elected to fill a vacancy shall be elected for the unexpired term of his predecessor in office. No Company Member or group of affiliated Company Members shall have more than two members represented on the Board of Directors at any one time.

**Section 3. Place of Meeting.** The directors may hold meetings at the office of the Corporation or at such other place as the Board of Directors or other qualified persons calling such a meeting shall determine.

**Section 4. Regular Meetings.** The regular annual meeting of the Board of Directors for the election of officers and standing committees of the Corporation and the transaction of any other business, shall be held contemporaneous with the annual meeting of the members of the Corporation. Other regular meetings of the Board of Directors may be held at such time or place as shall from time to time be appointed by the Board of Directors.

**Section 5. Special Meetings.** A special meeting of the Board of Directors shall be held whenever called by direction of the President or Chairman, or by four directors then being in office, at such time and place as shall be designated in the notice. The President or Secretary shall give notice of such special meeting by mailing the same at least four (4) days before the meeting or by faxing, e-mailing or telegraphing the same at least two (2) days before the meeting to each director, but notice of such meetings may be waived by any director. At any meeting at which every director shall be present, even though without any notice, any and all business may be transacted.

**Section 6. Quorum.** Four (4) members shall constitute a quorum for the transaction of any business, provided, however, that in no event shall a quorum consist of less than one-third (1/3) of the number of directors then in office. If at any meeting of the Board of Directors there is less than a quorum of the Board of Directors, a majority of those present may adjourn the meeting from time to time without further notice.

**Section 7. Voting.** Whenever at any meeting either regular or special of the directors, the directors shall by resolution determine that a vote of all directors is deemed advisable, then the directors may by resolution determine that mail, fax, e-mail, or telegraphic votes shall be accepted under such conditions as are determined by such resolution. Mail, fax, e-mail or telegraphic voting shall not apply to the election of officers. Action by directors shall be by an affirmative majority vote.

**Section 8. Voting During an Emergency.** In the event of any emergency facing the Corporation, as determined by the Chairman, the Chairman (or the President at the direction of the Chairman) may poll the Board of Directors by fax, e-mail or telegraph in respect to what measures should be taken by the Corporation to meet the emergency.

## **ARTICLE V**

### **Officers**

**Section 1. Officers.** The executive officers of the Corporation shall be a Chairman, one or more Vice Chairmen, a Treasurer, and a Secretary, each of whom shall be elected by the Board of Directors. The Board also may appoint or elect such other officers, including (but not limited to) one or more assistant treasurers or assistant secretaries, who shall have such powers and perform such duties as shall be determined from time to time by the Board of Directors. The office of Treasurer and the office of Secretary may be held concurrently by any of the other officers. Except for any persons appointed on an interim basis, each officer of the Corporation shall be appointed to serve for a term of one year or more. Vacancies in any officer's position may be filled by an affirmative vote of a majority of the whole Board of Directors.

No person shall be eligible to serve in any of the above named executive officer positions unless at the time of his election to such office he shall be a member of the Board of Directors.

In the absence or inability to act of any officers of the Corporation, the Board of Directors may by resolution delegate such officer's powers and duties during the period of such absence or inability to act to any other officer or to any director.

All officers may request that the assistance of the President (or his designees) in carrying out the functions of their offices.

All officers, agents, and members of committees shall be subject to removal at any time by the affirmative vote of a majority of the whole Board of Directors.

**Section 2. Chairman.** The Chairman shall preside at all meetings of the members of the Corporation and of the Board of Directors and shall be an ex officio, voting member of all committees. Subject to the authority of the Board of Directors, the Chairman shall have general charge of the administration of the business and affairs of the Corporation. He may execute in the name of the Corporation and deliver any or all deeds, bonds, contracts, certificates of membership in the Corporation, and other instruments authorized by the Board of Directors, except in cases in which the execution of any thereof shall be expressly delegated by such Board to some other officer or agent of the Corporation or such instrument shall be required by law otherwise to be executed. He shall have such other powers and duties as shall from time to time be assigned to him by the Board of Directors.

**Section 3. Vice Chairmen.** The Vice Chairmen, in the order from time to time designated by the Board of Directors, shall, except as otherwise provided in these bylaws, be vested with all the powers and required to perform all the duties of the Chairman in the latter's absence; and, at other times, they shall have such powers and perform such duties as may be assigned to them by the Board of Directors.

**Section 4. Treasurer.** The Treasurer shall have custody of all the funds and securities of the Corporation and shall keep full and accurate account of receipts and disbursements in books belonging to the Corporation, and shall deposit all monies and other valuable effects in the name and to the credit of the Corporation in such depositories as may be designated under the authority of the Board of Directors. He shall submit a detailed statement of the Corporation's accounts at each annual meeting of the Board of Directors of the Corporation, showing the financial transactions for the preceding fiscal year, and shall furnish to the Chairman and Board of Directors from time to time as required by them such information relative to the funds of the Corporation as may be required; and he shall perform all acts incident to the position of Treasurer, subject to the control of the Board of Directors. The Treasurer shall give a bond for the faithful discharge of his duties in such sum and in such form as shall be fixed from time to time by the Board of Directors.

**Section 5. Secretary.** The Secretary shall keep the minutes of all meetings of the Board of Directors, the minutes of all meetings of the members of the Corporation in books provided for that purpose, and shall perform like duties for any committees of the Corporation when required. He shall keep a roll of the members of the Corporation and shall attend to the giving and serving of all notices of the Corporation. He may attest all instruments signed on behalf of the Corporation.

**Section 6. Corporate Seal.** The Board of Directors may authorized a suitable seal, containing the name of the Corporation, which seal, if any, shall be in the charge of the Secretary.

## **ARTICLE VI**

### **Committees**

**Section 1. Committees.** The Board of Directors may, by a resolution adopted by a majority of the Directors present at a meeting at which a quorum is present, appoint from among its members, or from among persons not members of the Board of Directors, one or more committees for such purposes and with such powers as the Board of Directors may provide, except that no such committees shall have or exercise the authority of the Board of Directors in the management of the Corporation, and no committee shall have the power to amend the Articles of Incorporation of the Corporation or these Bylaws.

**Section 2. Procedures.** All committees established by the Board of Directors shall follow such procedures as the Board of Directors may determine and, at the request of the President or an Executive Officer, shall report any actions taken to the Board of Directors at the next meeting thereof.

**ARTICLE VII**

**Management**

The Board of Directors shall by resolution appoint a President of the Corporation. The daily affairs of the Corporation shall be managed by the President who shall be the executive director of the Corporation and who shall act under the direction of the Board of Directors. The President shall have general and active management of the Corporation and shall insure that all orders and resolutions of the Board of Directors are carried into effect.

The hiring, training, supervision, and discharge of Corporation employees shall be the responsibility of the President. The President may ask for the advice and assistance of the officers of the Corporation or of members of the Board of Directors in selecting individuals to be hired. However, any employee of the Corporation may be discharged by the President, whether or not such employee was selected or recommended or hired with the advice and assistance of the Board of Directors or any member or members thereof, or was hired by the Board of Directors or any member or members thereof. The term "employee(s)" means person(s), whether full-time or part-time, receiving a wage or salary paid from the general funds of the Corporation.

**ARTICLE VIII**

**Dues**

The dues and assessments payable by each category and class of member of the Corporation shall be determined and assessed from time to time by resolution of the Board of Directors. Dues and assessments shall be payable at such time or times in whole or in part as the Board of Directors may determine.

The Board may void the membership of any newly-elected member that shall fail to pay annual dues owing within two months after notice of such election has been made.

Any member of the Corporation may resign at any time and thereby relinquish all rights in the property of the Corporation. The resignation of a member shall be made in writing to the Secretary or President and shall become effective upon receipt by the Secretary or President, or at such later date as may be specified in such resignation, provided that the member resigning shall be liable, for the unpaid balance of any annual dues for the fiscal year in which such resignation becomes effective, plus any other indebtedness to the Corporation.

Any member whose dues remain unpaid for more than three (3) months after the date when they are due and payable may, by order of the Board of Directors, be suspended from the Corporation until his dues have been paid. During suspensions, member rights to attend meetings and to any other privileges of membership in the Corporation shall also be suspended. Two months from the date on which the dues are payable, the Secretary, Treasurer or President shall notify all members in arrears.

If the dues of any member remain unpaid for a term of one year, the name of such defaulting member may be stricken from the membership list by the Board of Directors, and thereupon all of such member's rights in the property of the Corporation shall be terminated and extinguished.

The Board of Directors may, in its discretion, remit the dues of any member.

**ARTICLE IX**

**Dissolution**

Upon dissolution of this Corporation the assets of the Corporation, after payment of all of its debts and liabilities, shall be distributed among the then Company members in the same proportion as the total contribution of each of those members shall bear to the total contribution of such Company members made to the Corporation during its existence.

**ARTICLE X**

**Fiscal Year**

The fiscal year of the Corporation shall be from January 1 of one year through December 31 of the same year.

**ARTICLE XI**

**Amendments**

These Bylaws may be altered, amended, restated, or repealed and new bylaws may be adopted at any meeting of the Board of Directors of the Corporation by a majority of all of the directors then in office.

**ARTICLE XII**

**Indemnification, Limitation of Liability and Insurance**

**Section 1. Indemnification.** Unless expressly prohibited by law, the Corporation shall fully indemnify any person made, or threatened to be made, a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative by reason of the fact that he or she is or was a director, officer, employee or agent of the Corporation, or is or was serving at the request of the Corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines, and amounts paid in settlement actually and reasonably incurred in connection with such action, suit or proceeding.

**Section 2. Limitation of Liability.** No director of the Corporation shall be liable, and no cause of action may be brought for damages resulting from the exercise of judgment or discretion in connection with the duties or responsibilities of such director, unless: (1) such director earns in excess of \$5,000 per year from his or her duties as director, other than reimbursement for actual expenses; or (2) the act or omission involved willful or wanton conduct. No officer or other person who, without compensation other than reimbursement for actual expenses, renders service to or for the Corporation shall be liable, and no cause of action may be brought, for damages resulting from an act or omission in rendering such services, unless the act or omission involved willful or wanton conduct. For purposes of this section, "willful or wanton conduct" means a course of action which shows an actual or deliberate intention to cause harm or which, if not intentional, shows an utter indifference to or conscious disregard for the safety of others or their property.

**Section 3. Insurance.** The officers of the Corporation shall be authorized to purchase insurance, including (but not limited to) general liability and director and officer coverages, commensurate with the requirements of the Corporation.

Amended October 1990  
Amended September 25, 1994  
Amended January 25, 1997  
Amended September 28, 1998  
Amended July 14, 1999  
Amended August 28, 2000

P006

**RESOLUTIONS OF THE ACCCI BOARD OF DIRECTORS**

RESOLVED, that the proposed amended and restated Bylaws attached hereto as Exhibit A are hereby adopted as of the date hereof as the amended and restated Bylaws of the American Coke and Coal Chemicals Institute (the "Corporation"), and the Secretary is hereby instructed to insert said amended and restated Bylaws in the Minute Book of the Corporation.

RESOLVED, that the procedures attached hereto as Exhibit B shall be substantially followed by the President in processing membership applications submitted to the Corporation.

RESOLVED, that the members classified prior to the amendment and restatement of the Bylaws as of the date hereof shall remain members of the Corporation but shall be reclassified within in the categories and classes of membership as are set forth in the schedule attached hereto as Exhibit C.

RESOLVED, that the Chairman, the Vice Chairmen, the President, the Secretary or Treasurer of the Corporation is hereby authorized and directed to open an account or accounts for the Corporation with such bank or banks in any state, country or jurisdiction as any such officer may deem appropriate in conducting the affairs of the Corporation, and to deposit therein funds coming into the possession of the Corporation, such account or accounts to be in the name of the Corporation.

RESOLVED FURTHER, that all such banks are hereby authorized and directed to pay checks and other orders for the payment of money drawn in the name of the Corporation when signed by any one of the Chairman, the Vice Chairmen, the President, the Secretary or Treasurer of the Corporation, and no such bank shall be required, in any case, to make inquiry respecting the application of any instrument executed by virtue of this resolution, or of the proceeds therefrom, nor be under any obligation to see to the application of such instrument or proceeds; and

RESOLVED FURTHER, that all resolutions required by such banks in connection with such accounts which are consistent with the foregoing are hereby adopted, and the President or the Secretary are directed to attach copies of all such resolutions to these resolutions.

RESOLVED, that all contracts and financial commitments entered into by the Corporation shall be executed by any one of the Chairman, the Vice Chairmen, the President, the Secretary or Treasurer of the Corporation.

RESOLVED, that the committees set forth on the list attached hereto as Exhibit D are hereby established until such time as the Board of Directors determines to discontinue such committees; and

RESOLVED FURTHER, that the Chairman is authorized to propose and recommend to the Board of Directors persons to serve on any committees (Exhibit E) that may from time to time be created by the Board of Directors.

RESOLVED, that the President and the proper officer or officers of the Corporation are hereby authorized and directed to do all things, take all actions and execute, deliver and file all documents as may be necessary or convenient in effecting the foregoing resolutions.

RESOLVED, that the Secretary or President shall file the foregoing resolutions of the Board of Directors in the Minute Book of the Corporation.

**RESOLUTION  
of the  
BOARD OF DIRECTORS OF**

**AMERICAN COKE AND COAL CHEMICALS INSTITUTE**

**To Revise the ACCCI Bylaws**

The Board of Directors of American Coke and Coal Chemicals Institute (“ACCCI” or “the Institute”), an Illinois not-for-profit corporation, adopts the following resolution in accordance with 805 ILCS 105/102.25 and Article XI of the ACCCI Bylaws:

**WHEREAS**, that the ACCCI Board of Directors believes it to be in the best interests of the Institute to be able to appoint alternate directors to serve in the absence of members of the Board of Directors for designated periods, provided that such alternate directors shall be sufficiently informed to exercise the fiduciary duties of directors; and

**WHEREAS**, that the Board agrees that the Institute’s Bylaws should be amended to make such changes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Bylaws are amended by adding a new Section 9 at the end of Article IV to read as follows:

“**Section 9. Alternate Directors.** The Board of Directors may, by majority vote, designate an alternate director (“Alternate Director”) to serve in the capacity of director in the event of the absence of a director. The Board designation of an Alternate Director shall specify the director for whom the Alternate Director is serving as an alternate, and the term of the appointment, which may be for a single meeting of the Board. During the term of appointment, an Alternate Director shall have all rights, including voting rights, of the director in the absence of the director. The Alternate Director shall receive all correspondence and information relating to the activities of the Board as the director shall be entitled to receive and shall sufficiently inform himself to exercise the director’s fiduciary duties in the absence of such director.”

The above resolution was adopted by the Board of Directors and became effective on the 17<sup>th</sup> day of May, 2007.

Charles C. Stewart, Chairman  
Bruce A. Steiner, President

## American Coke and Coal Chemicals Institute

### 2019 - 2020 Meetings Calendar

November 6 - 7, 2019	Met Coke 2019 Conference	DoubleTree by Hilton Hotel Nashville Downtown Nashville, TN
November 8, 2019	2019 Business Meeting	DoubleTree by Hilton Hotel Nashville Downtown Nashville, TN
January 2020 (Tentative)	Board Conference Call (if needed)	
April 23 - 24, 2020	2020 Spring (Annual) Meeting	Westin Hilton Head Island Resort & Spa Hilton Head Island, SC
April 7 - 8, 2020	Spring 2020 MESH Meeting	Cincinnati, OH Area

**American Coke and Coal Chemicals Institute  
Meeting History/Calendar (1995 - 2020)**

1995	Spring Fall	Longboat Key Club The Greenbrier
1996	Spring Fall	Hyatt Grand Champions The Greenbrier
1997	Spring Fall	Longboat Key Club The Greenbrier
1998	Spring Fall	Sheraton Torrey Pines (California) The Greenbrier
1999	Spring Fall	Longboat Key Club (Florida) The Greenbrier
2000	Spring Fall	Amelia Island Resort (Florida) The Greenbrier
2001	Spring Fall	Westin Hilton Head (South Carolina) The Greenbrier
2002	Spring Fall	Hyatt Monterey (California) The Greenbrier
2003	Spring Fall	Longboat Key Club (Florida) The Greenbrier
2004	Spring Fall	Boca Raton Resort (Florida) The Greenbrier
2005	Spring Fall	The Ritz-Carlton Key Biscayne (Florida) Kiawah Island Golf Resort (South Carolina)
2006	Spring Fall	Longboat Key Club (Florida) The Ritz-Carlton Naples (Florida)
2007	Spring Fall	Doral Golf Resort (Florida) The Homestead (Virginia)
2008	Spring Fall	Longboat Key Club (Florida) The Broadmoor (Colorado Springs)
2009	Spring Fall	Longboat Key Club (Florida) - CANCELLED Kingsmill (Williamsburg, VA)
2010	Spring Fall	Westin (Hilton Head, SC) Grove Park Inn (Asheville, NC)

2011	Spring Fall	King & Prince (St. Simons Island, GA) Lansdowne (Leesburg, VA)
2012	Spring Fall	Omni Amelia Island Plantation (FL) Broadmoor (Colorado Springs)
2013	Spring Fall	Longboat Key Club (FL) The Greenbrier
2014	Spring Fall	Westin (Hilton Head, SC) Nemacolin (Farmington, PA)
2015	Spring Fall	Ponte Vedra (Ponte Vedra, FL) Grove Park Inn (Asheville, NC)
2016	Spring (ANNUAL MEETING) Fall (BUSINESS MEETING)	Hyatt Coconut Point (Bonita Springs, FL) Pittsburgh Marriott City Center (Pittsburgh, PA)
2017	Spring (ANNUAL MEETING) Fall (BUSINESS MEETING)	Longboat Key Club (Longboat Key, FL) The Westin O'Hare
2018	Spring (ANNUAL MEETING) Fall (BUSINESS MEETING)	Longboat Key Club (Longboat Key, FL) DoubleTree by Hilton Hotel & Suites Pittsburgh - Downtown
2019	Spring (ANNUAL MEETING) Fall (BUSINESS MEETING)	Hyatt Coconut Point (Bonita Springs, FL) DoubleTree by Hilton Hotel Nashville Downtown
2020	Spring (ANNUAL MEETING) Fall (BUSINESS MEETING)	Westin (Hilton Head, SC) TBD

## American Coke and Coal Chemicals Institute

### Resort Options Initial Summary for the ACCCI 2021 Annual Meeting

1. **The Resort at Longboat Key Club – Longboat Key, FL**  
[www.longboatkeyclub.com](http://www.longboatkeyclub.com)  
April 21-24, 2021
  - \* Lagoon View or Golf Course View King Junior Suite - \$329++ per night
  - \* Beachfront King Junior Suite - \$349++ per night
  - \* Beachfront King One Bedroom Suites - \$489++ per night
  - \* Beachfront Two Bedroom Suites - \$569++ per night
  
2. **Ponte Vedra Inn & Club – Ponte Vedra Beach, FL**  
[www.pontevedra.com](http://www.pontevedra.com)  
April 21-24, 2021
  - \* Oceanfront Guest Rooms - \$309++ per night
  - \* Golf View Guest Rooms - \$299++ per night
  
3. **The Biltmore Miami~Coral Gables – Coral Gables, FL**  
[www.biltmorehotel.com](http://www.biltmorehotel.com)  
April 21-24, 2021
  - \* Run of House Rooms - \$279++ per night
  
4. **Omni Amelia Island Plantation Resort – Fernandina Beach, FL**  
[www.omniameliaislandplantation.com](http://www.omniameliaislandplantation.com)  
April 21-24, 2021 - Not Available  
April 14-17, 2021
  - \* Oceanfront Run of House Hotel/Sandcastle Villas - \$289++April 28-May 1, 2021
  - \* Oceanfront Run of House Hotel/Sandcastle Villas - \$269++

**Note: ++ means an additional daily resort fee and taxes will be charged.**

**Note: Proposals are available in the ACCCI office.**