



KYLE PITSOR

Vice President, Government Relations

June 8, 2017

Ms. Samantha K. Dravis
Regulatory Reform Officer
Associate Administrator, Office of Policy
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Regulatory Reform Actions at U.S. EPA

Dear Ms. Dravis:

The National Electrical Manufacturers Association (NEMA) is the primary trade association representing the interests of the U.S. electrical products industry. Our nearly 350 member companies manufacture products used in the generation, transmission, distribution, control, and end-use of electricity, constituting the very foundation of the worldwide infrastructure for supplying power.

This letter is offered in response to the President's expressed priority of reducing regulatory burdens affecting the U.S. manufacturing sector. The President created a framework for regulatory reform through a series of memoranda and Executive Orders¹ and the administration has solicited public input on rules and regulations that warrant evaluation. NEMA has two recommendations in this regard and we are pleased to submit them for your consideration. They are described below.

1. The Significant New Alternatives Policy (SNAP) Program

Housed within the Strategic Protection Division of EPA's Office of Air and Radiation, the SNAP program reviews environmentally preferable substitutes for ozone depleting chemicals (ODCs) in industrial product sectors. This includes products designed for "Fire Suppression and Explosion Protection," which are manufactured by NEMA members.

¹ *E.g.*, White House memorandum re: "Regulatory Freeze Pending Review," January 20, 2017; Presidential Memorandum re: "Streamlining Permitting and Reducing Regulatory Burdens for Domestic Manufacturing," January 24, 2017; Presidential Executive Order on Reducing Regulatory and Controlling Costs, January 30, 2017; Presidential Executive Order on Enforcing the Regulatory Reform Agenda; Presidential Executive Order on Promoting Energy Independence and Economic Growth, March 28, 2017

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The SNAP program was created under Subchapter VI of the Clean Water Act Amendments of 1990 entitled “Stratospheric Ozone Depletion.” It is clear from the statutory language that the program was devised to evaluate alternatives to ODCs, which at the time were being phased out to slow deterioration of the ozone layer.

In recent years, however, United Nations scientists (and others) have determined that the ozone layer is steadily recovering to benchmark 1980 levels.² Much of the progress stems from control measures adopted under the Montreal Protocol on Substances that Deplete the Ozone Layer, which has been universally ratified and came into effect January 1, 1989.

Meanwhile, two SNAP program rulemakings issued last year impose restrictions on potential ODC substitutes on the basis of their global warming potential. Section VI of the Clean Water Act, however, has never authorized the SNAP program as a tool for global warming policy and it appears the program is expanding outside of its statutory mandate.

We have heard from NEMA members who have characterized the SNAP chemical submission process as an expensive, lengthy and unpredictable ordeal that acts as an impediment to achieving third-party certification for products intended to rely on substitute chemicals. They have been frustrated by continual requests for additional information from SNAP program staff, whose inquiries at times suggest a lack of technical expertise.

For these reasons, NEMA respectfully suggests the SNAP program for “Fire Suppression and Explosion Protection” products provides little, if any, environmental or public safety value and should be considered for elimination.

2. Stormwater Runoff Requirements under NPDES Permits

Under Title III of the Clean Water Act, EPA uses National Pollution Discharge Elimination System (NPDES) permits as the vehicle for implementing stormwater runoff controls at construction sites as well as production facilities in designated industrial sectors. One of these sectors - Light Manufacturing - encompasses “*electronic and other electrical equipment manufacturing*,” which broadly intersects with NEMA’s product scope.

NEMA recognizes the importance of stormwater management systems in preventing “non-point source” discharge of pollutants to our nation’s navigable waters. Invariably, however, Stormwater Pollution Prevention Plans (SWPPPs) implemented

² <https://www.sciencedaily.com/releases/2014/09/140910162324.htm>

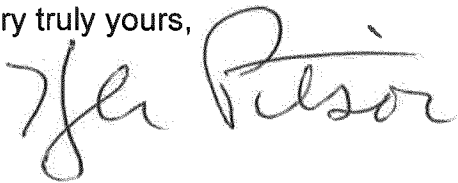
through general or site-specific permits have the effect of “consuming” acreage at a site and thereby reducing the amount of land available for productive uses.

It is critical that Best Management Practices prescribed in SWPPPs for production facilities achieve sufficient, measurable benefits in terms of reducing runoff and preventing pollution. NEMA members question whether existing permit regulations and approval procedures are adequately aligned with this objective. Otherwise, land set aside for treatment systems, erosion control berms, buffer zones, sediment ponds, and other management practices can limit the economic development potential of industrial sites. This can have a detrimental impact not only on the companies affected but also on surrounding communities.

Given the nationwide scope of this issue and the inherent challenges of effective stormwater control, we recommend that EPA initiate a review of the impact of the NPDES stormwater discharge program on manufacturing sites.

NEMA welcomes discussing these programs and others in more detail with you and your staff. In the meantime we are happy to provide more information or answer questions you have about the electrical product industry, our members, and their experience with federal regulatory compliance. Feel free to contact Mark Kohorst of NEMA Government Relations at your convenience at 703-841-3249 or mar_kohorst@nema.org.

Very truly yours,

A handwritten signature in black ink, appearing to read "Kyle Pitsor". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kyle Pitsor
Vice President, Government Relations