

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda-underwritten by global corporations- includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

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Resolution to Retain State Authority over Coal Ash as Non-Hazardous Waste

Did you know the trade group for the gas industry was a corporate co-chair in 2011?

WHEREAS, the U.S. Environmental Protection Agency (EPA) intends to propose federal regulations to govern the disposal of coal combustion byproducts (CCB) under the Resource Conservation and Recovery Act (RCRA);

WHEREAS, the EPA is considering changing the current regulatory status of CCBs from a non-hazardous waste under the RCRA Subtitle D to a hazardous waste under RCRA Subtitle C;

WHEREAS, the EPA is prohibited by Federal Law from declaring CCB to be hazardous until it "conduct[s] a detailed and comprehensive study and submit[s] a report" to Congress on the "adverse effects on human health and the environment, if any, of the disposal and utilization" of CCB;

WHEREAS, the EPA conducted the required studies and on two separate occasions reported to Congress that it is unwarranted to regulate CCB as hazardous waste since CCB can be safely regulated as non-hazardous waste;

WHEREAS, the EPA issued final regulatory determinations in 1993 and 2000 that concluded that CCBs do not warrant regulation as hazardous waste under RCRA Subtitle C;

WHEREAS, the U.S. Department of Energy, the Federal Highway Administration, the Department of Agriculture, the Electric Power Research Institute, state agencies, members of academia have spent nearly three decades studying CCBs and have found that the toxicity levels in CCB are far below criteria that would require a hazardous designation;

WHEREAS, in EPA's 2000 determination, the agency concluded that hazardous waste regulation of CCB would be environmentally counterproductive because it would unnecessarily stigmatize coal ash and impede its beneficial use in sustainable construction practices, as well as raise concerns over legal exposure and product liability;

WHEREAS, CCB disposal has remained a state regulatory responsibility and states have an effective regulatory structure in place that is best positioned to continue to develop and implement programs that safely and effectively manage CCBs;

WHEREAS, the regulation of the CCBs as hazardous waste would drastically undercut states' regulatory authority and would result in unnecessary compliance costs that require duplicative regulatory programs - adding more costs to already strained state budgets;

WHEREAS, regulating CCBs as hazardous waste would increase the cost of electricity for residential and industrial consumers, burdening them with unnecessarily high energy costs in order to accommodate an imprudent program;

THEREFORE BE IT RESOLVED, that the American Legislative Exchange Council

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For more on these corporations, search at www.SourceWatch.org.

agrees with the U.S. EPA's 2000 final regulatory determination that CCB does not warrant federal regulation as hazardous waste, and that the states are best positioned to continue as the principal regulatory authority of CCB as non-hazardous waste.

Adopted by the Natural Resources Task Force at the Spring Task Force Meeting on April 23, 2010.

Approved by the ALEC Board of Directors on June 3, 2010.

From CMD: This resolution opposes federal regulation of coal combustion waste, known as "coal ash," as hazardous. Coal ash contains large quantities of toxic metals, including mercury, arsenic, beryllium, cadmium, chromium, nickel, and selenium, as noted in CMD's SourceWatch: http://www.sourcewatch.org/index.php?title=Coal_Ash. Indeed, a recent report suggested that coal ash may be contributing source of hexavalent chromium that has been found in drinking water. National rules governing the use and disposal of coal ash as a hazardous substance could help better protect human health. Having a patch-work of state agencies regulate these hazards does not adequately protect Americans' health. Additionally, state-level public health agencies generally do not have the staff to regulate and manage coal ash waste output, and not having uniform federal regulations would create a race to the bottom amongst state rules. It could also lead the way for more accidents like happened in Tennessee in 2008, when millions of cubic yards of coal ash sludge broke through a retention wall and tests showed elevated levels of lead and thallium in the water (see the Sourcewatch article here: http://www.sourcewatch.org/index.php?title=Tennessee_and_coal).

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