



## AMERICAN SOCIETY OF CONCRETE CONTRACTORS

Enhancing the Capabilities of Those Who Build with Concrete

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October 5, 2009

The Honorable Lisa P. Jackson  
EPA Administrator  
USEPA Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

Subject: Fly Ash as a "Hazardous Waste"

Dear Ms. Jackson:

When the Environmental Protection Agency carefully weighs the merits of classifying fly ash as a hazardous waste under subtitle C of the Resource Conservation and Recovery Act (RCRA), the American Society of Concrete Contractors (ASCC) urges you to consider the following points:

- Since the 1950s, millions of tons of fly ash have been used as a low-cost portland-cement replacement in concrete, and also as a supplementary cementitious material that improves concrete durability. There has been no reported evidence that this use of fly ash has contributed to health problems for concrete production and construction workers.
- When used as a cement replacement, fly ash reduces carbon dioxide emissions because less cement is needed to produce concrete that is also strong and durable. Both the reduction in carbon dioxide and the improved durability have helped to make concrete a more sustainable construction material. Classifying fly ash as a hazardous waste would reverse these sustainability gains primarily because few fly ash generators—primarily coal-fired power plants—would be willing to market a hazardous material and thus accept the liability for health claims by workers in concrete production and construction.
- If fly ash is classified as a hazardous waste, it is unlikely that engineers and architects will continue to use specifications that mandate replacing up to 50% of the portland cement in concrete with fly ash. Again, few engineers would be willing to accept liability for possible health claims by workers.
- Even if fly ash were specified for use in concrete construction projects, contractors would be reluctant to bid on such projects because of the liability issue.

In summary, classifying fly ash as a hazardous waste would have a harmful effect on sustainability efforts in the concrete industry while also increasing the cost of concrete construction. Neither effect will be beneficial to the citizens of the United States. We urge that the EPA not classify fly ash as a hazardous material.

Sincerely,

Beverly Garnant  
Executive Director  
American Society of Concrete Contractors

*building the future with quality concrete*



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ADVISORY COUNCIL

