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Harry Lee James, P.E.
Executive Director

August 26, 2009

The Honorable Lisa Jackson
Administrator, U.S. Environmental Protection Agency
Room 3000, Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Jackson:

This is to express our opposition to a potential ruling by the Environmental Protection Agency (EPA) ruling pertaining to the regulation of fly ash as a hazardous waste material. The Mississippi Concrete Industries Association (MCIA), the trade association representing concrete producers in Mississippi, opposes any proposed regulation that would re-classify fly ash in any form to a hazardous waste material.

The environmental benefits of using fly ash in concrete results in reductions in waste materials sent to landfills, air emissions, and the energy required for production. Previous EPA studies determined that fly ash does not warrant regulation as a hazardous waste material. The beneficial use of fly ash has grown significantly over the last few decades as the result of these earlier determinations.

The beneficial use of fly-ash would be severely cripple under the proposed rulemaking as some state regulations prohibit the use of a "hazardous waste" for any beneficial use. Many State DOTs around the country allow and encourage the use of fly-ash in concrete and other engineered transportation infrastructure applications. Among the numerous benefits derived from using fly-ash in concrete are improved longevity, increased strength, enhanced durability and improved cost effectiveness. Increasing the longevity of our concrete infrastructure alone has huge positive implications for natural resource conservation and energy savings.

Imposing regulations on fly ash as a hazardous waste material would have significant unintended negative consequences that could potentially undo several decades of advancement in concrete durability and infrastructure longevity. .

Thank you for considering our comments and concern. Please ensure that the numerous environmental and economic benefits of fly ash are not jeopardized with this possible ruling.

Sincerely,

Harry Lee James, PE
Executive Director

