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**Request for Extension of Comment Periods**

**Proposed Rulemaking To Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards (“Motor Vehicle GHG Rule”)**  
**Docket EPA-HQ-OAR-2009-0472; NHTSA-2009-0059**

**Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule (“Tailoring Rule”)**  
**Docket EPA-HQ-OAR-2009-0517**

**Prevention of Significant Deterioration (PSD): Reconsideration of Interpretation of Regulations That Determine Pollutants Covered by the Federal PSD Permit Program (“PSD Interpretive Memo Reconsideration”)**  
**Docket EPA-HQ-OAR-2009-0597**

To Whom It May Concern:

The following organizations (“the Associations”) jointly request the Environmental Protection Agency (EPA) and the National Highway Traffic Safety Administration (NHTSA) to extend until December 28, 2009, the public comment period for the Motor Vehicle GHG Rule, 74 Fed. Reg. 49454 (Sept. 28, 2009); and also jointly request EPA to extend until January 28, 2010, the public comment period for both the Tailoring Rule, 74 Fed. Reg. 55292 (Oct. 27, 2009), and the PSD Interpretive Memo Reconsideration, 74 Fed. Reg. 51535 (Oct. 7, 2009) (collectively, the “GHG rulemakings”):

**American Bakers Association**

**American Chemistry Council**

**American Coke and Coal Chemicals Institute**

**American Iron and Steel Institute**

**The American Meat Institute**  
**American Petroleum Institute**  
**Corn Refiners Association**  
**The Institute of Shortening and Edible Oils**  
**National Association of Manufacturers**  
**The National Association of REALTORS®**  
**National Chicken Council**  
**National Council of Farmer Cooperatives**  
**National Grain and Feed Association**  
**National Oilseed Processors Association**  
**National Petrochemical and Refiners Association**  
**The National Renderers Association**  
**National Turkey Federation**  
**Natural Gas Supply Association**  
**Society of Chemical Manufacturers and Affiliates**  
**U.S. Chamber of Commerce**

The Associations and their members represent a sizeable and diverse collection of commercial interests,\* and the Motor Vehicle GHG Rule would have a substantial and direct effect on the Associations' members. If finalized, the Rule would, as EPA recognizes in the GHG rulemakings, subject greenhouse gases ("GHGs") to regulation under the Clean Air Act (CAA) for the first time. As a result, millions of stationary sources owned and operated by the Associations' members could become subject to regulation by EPA under Prevention of Significant Deterioration (PSD) regulations, thus imposing unprecedented costs and burdens on the Associations' members, EPA, and state regulatory authorities.

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\* An addendum to this letter contains a description of each of the Associations.

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The PSD Interpretive Memo Reconsideration seeks comment on a range of possible interpretations that require careful legal analysis and that, in some instances, threaten to make PSD regulations immediately applicable to millions of sources never before subject to PSD regulation – raising the stakes of the reconsideration substantially. 74 Fed. Reg. 51538-39 (discussing five potential interpretations, including one deeming GHGs “subject to regulation” due to existing monitoring and reporting requirements). The Tailoring Rule’s proposal to limit the applicability of PSD requirements relies on novel legal theories that warrant careful scrutiny, consideration, and comment. Further, the Tailoring Rule would have far-reaching implications over a broad range of issues. For example, it acknowledges and seeks comment on the potential for permitting authorities to impose fees per ton of GHG emissions. 74 Fed. Reg. 55346.

The GHG rulemakings are legally and technically complex, with significant consequences for the Associations and their members – they have the potential to affect millions of sources and affect or even eliminate millions of American jobs. At a time when extraordinary efforts and amounts of government funds are being devoted to economic recovery and creating or preserving jobs – efforts which many of the Associations and their members have publicly supported – the Associations should be given the opportunity to fully evaluate the consequences of the GHG rulemakings, develop data and analyses, and formulate appropriate comments. The current comment periods are simply insufficient to allow the Associations a fair opportunity to do so.

The Associations recognize that NHTSA must act quickly to finalize CAFE rules for model year 2012, and that EPA desires to address the various GHG rulemakings promptly. Nonetheless, the agencies need to compile a complete record and consider comments from all affected stakeholders before proceeding with any final rulemaking actions, and the Associations deserve a fair opportunity to evaluate and comment on the proposed actions. The short extensions that the Associations request will not prevent NHTSA and EPA from proceeding promptly and in accordance with any statutory deadlines.

EPA recently granted a request to extend the public comment period in a proceeding where good cause was shown – in particular, with respect to the waiver application to increase the allowable ethanol content of gasoline to 15 percent (“E15”). 74 Fed. Reg. 23704 (May 20, 2009). EPA acknowledged that adequately assessing the “complex legal and technical issues that result from possibly allowing E15 to be sold commercially” required a comment period longer than the 60 days initially allotted. The complexity of the proposed E15 waiver is far surpassed by the legal and technical complexity and the potential economic impact of the GHG rulemakings – which involve regulating a never-before controlled pollutant from millions of sources in nearly all sectors of the American economy. There is a compelling public interest in allowing additional time for the preparation of comments with respect to the GHG rulemakings.

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See *also* Changes to Renewable Fuel Standard Program; Extension of Comment Period, 74 Fed. Reg. 32091 (July 7, 2009); National Emission Standards for Halogenated Solvent Cleaning; Notice of extension of comment period, 73 Fed. Reg. 73631 (Dec. 3, 2008); Aryl Phosphate Base Stocks; Extension of Public Comment Period on Proposed Test Rule, 57 Fed. Reg. 12908 (Apr. 14, 1992).

The Associations and their members are working hard to assess and confront the challenges of global climate change. In addition to participating in the GHG rulemakings, the Associations and their members are involved with numerous other GHG-related regulatory and legislative initiatives and developments. For example, the Associations' member companies are working to review, understand, and come into compliance with EPA's recently-promulgated regulations requiring the reporting of GHG emissions. The comment deadlines for the proposed GHG rulemakings all fall within the short timeframe EPA has given companies to determine if they can meet the criteria necessary to submit a request for an extension from EPA on the mandatory GHG reporting rule. Added to these burdens is the fact that significant holidays fall in both November and December resulting in depleted resources.

As many industry comments stated in response to EPA's Advance Notice of Proposed Rulemaking, Regulating Greenhouse Gas Emissions Under the Clean Air Act (73 Fed. Red. 44354 (July 30, 2008), the CAA is not well suited to regulating GHG emissions and we anticipate that the GHG rulemakings as they impact stationary sources would have a substantially adverse effect on the U.S. economy. This will be particularly true if EPA does not develop an adequate record and fully consider the consequences of its proposed regulatory actions before proceeding.

To ensure an adequate and complete record for the GHG rulemakings, to give commenters a fair opportunity to analyze the proposals individually and collectively, and given the potential interplay among the many GHG-related proposals and the cumulative demands that they impose, the Associations respectfully request that EPA and NHTSA extend the public comment deadline until December 28, 2009, for the Motor Vehicle GHG Rule, and that EPA extend until January 28, 2010, the public comment deadline for the Tailoring Rule and the PSD Interpretive Memo Reconsideration. Because the Tailoring Rule and PSD Interpretive Memo Reconsideration address closely related issues regarding the applicability of PSD requirements, setting the comment deadline for those rulemakings on the same day makes sense, allowing commenters and the Agency to address those rulemakings simultaneously.

Respectfully Submitted,

**Above Listed Twenty Associations**

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### **Addendum – Description of Associations Joining In Request for Extension**

**American Bakers Association** advocates on behalf of over 200 companies – both baking companies and their suppliers. Its members produce bread, rolls, crackers, bagels, sweet goods, tortillas and many other wholesome, nutritious, baked products for America's families. The baking industry generates more than \$70 billion in economic activity annually and employs close to half a million highly skilled people..

**American Chemistry Council** is a nonprofit trade association whose member companies represent the majority of the productive capacity of basic industrial chemicals within the United States. The business of chemistry is a \$689 billion enterprise and a key element of the nation's economy.

**American Coke and Coal Chemicals Institute** is a trade association representing approximately 90% of the U.S. production of metallurgical coke, by both merchant coke producers and integrated steel companies with coke production capacity, and 100% of the U.S. manufacture of coal chemicals produced from coke byproducts.

**American Iron and Steel Institute** represents approximately 28 member iron and steel companies, and 138 associate and affiliate members who are suppliers to or customers of the steel industry. These members operate and hold ownership interests in various steel manufacturing and related operations across the United States and its producer, associate and/or affiliate members supply various customers and projects in the United States.

**The American Meat Institute** is a national trade association that represents companies that process 95 percent of red meat and 70 percent of turkey in the U.S. and their suppliers throughout America.

**American Petroleum Institute** is a national trade association that represents all aspects of America's oil and natural gas industry. API has approximately 400 members, from the largest major oil company to the smallest of independents, from all segments of the industry, including producers, refiners, suppliers, pipeline operators and marine transporters, as well as service and supply companies that support all segments of the industry.

**Corn Refiners Association** is the national trade association representing the corn refining (wet milling) industry of the United States. Corn refiners manufacture sweeteners, ethanol, starch, bioproducts, corn oil, and feed products from corn components such as starch, oil, protein, and fiber.

**The Institute of Shortening and Edible Oils, Inc.** is a trade association representing the refiners of edible fats and oils in the U.S. Its member companies process approximately 90% of the edible fats and oils produced in the U.S., which are used in baking and frying fats, salad and cooking oils, margarines and spreads, confectionary fats and as ingredients in a wide variety of foods.

**National Association of Manufacturers** is the nation's largest industrial trade association, representing small and large manufacturers in every industrial sector and in all 50 states.

**The National Association of REALTORS®**, is the largest professional trade association in the country. NAR's 1.1 million members are involved in all facets of the real estate industry nationwide, including residential and commercial properties, land brokerage and property management.

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The **National Chicken Council** is the national, non-profit trade association representing the U.S. chicken industry. Its member companies include chicken producer/processors, poultry distributors, and allied industry firms. The producer/processors account for approximately 95 percent of the chickens produced in the United States.

**National Council of Farmer Cooperatives** has represented the interests of America's farmer cooperatives and their nearly 2 million farmer, rancher and grower members since 1929. Its members include nearly 50 national, regional and federated farmer cooperatives which, in turn, are comprised of some 3,000 local cooperatives. Its membership also includes 27 state and regional councils of cooperatives. Its mission is to protect the public policy environment in which farmer-owned cooperative businesses operate, promote their economic well-being, and provide leadership in cooperative education.

The **National Grain and Feed Association**, founded in 1896, is a broad-based, non-profit trade association that represents and provides services for grain, feed and related commercial businesses. Its activities focus on enhancing the growth and economic performance of U.S. agriculture. Its member firms consist of more than 1,000 companies comprising about 6,000 facilities, handle more than 70 percent of all U.S. grains and oilseeds utilized in domestic and export markets, encompass all sectors of the industry, and represent a balance of small and large companies, including both privately owned and cooperative firms.

**National Oilseed Processors Association** is a national trade association comprised of 15 companies engaged in the production of vegetable meals and oils from oilseeds, including soybeans. NOPA's member companies process more than 1.4 billion bushels of oilseeds annually at 65 plants located throughout the country, including 60 plants which process soybeans.

**National Petrochemical and Refiners Association** is a national trade association whose members comprise more than 450 companies, including virtually all United States refiners and petrochemical manufacturers. NPRA's members supply consumers with a wide variety of products and services that are used daily in homes and businesses.

**The National Renderers Association** is the trade association for the industry that safely and efficiently recycles animal agriculture by-products into valuable ingredients for the livestock, pet food, chemical and consumer product industries. If not for rendering in the U.S., 54 billion pounds of biological materials would be land filled, burned, buried, or inappropriately dumped with huge amounts of carbon dioxide, methane, ammonia, and other compounds ending up in our air and water.

The **National Turkey Federation** is the national advocate for all segments of the turkey industry, providing services and conducting activities which increase demand for its members' products by protecting and enhancing their ability to profitably provide wholesome, high-quality, nutritious products. Members of the National Turkey Federation include growers, processors, hatchers, breeders, distributors, allied services and state associations.

Established in 1965, the **Natural Gas Supply Association** encourages the use of natural gas within a balanced national energy policy, and promotes the benefits of competitive markets to ensure reliable and efficient transportation and delivery of natural gas and to increase the supply of natural

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gas to U.S. customers. NGSAs members produce approximately one-third of the U.S. natural gas supply.

**Society of Chemical Manufacturers and Affiliates** is committed to serving the batch, custom and specialty chemical industry. SOCMA's members operate more than 2,000 manufacturing sites and employ more than 100,000 workers. SOCMA members encompass every segment of the industry – from small specialty producers to large multinational corporations – and manufacture 50,000 products valued at \$60 billion annually.

The **U.S. Chamber of Commerce** is the world's largest business federation, representing more than three million business and organizations of every size, sector, and region.