STEPHEN E. SANDHERR, Chief Executive Officer

AGC of America
THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA
Quality People. Quality Projects.

June 7, 2017

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Pruitt:

On behalf of the Associated General Contractors of America (AGC) and its more than 26,000 commercial construction company members, congratulations on your new position. We look forward to working with the U.S. Environmental Protection Agency (EPA) under your leadership to reduce unnecessary regulatory burdens, promote economic growth and job creation, and minimize the impacts of government actions on small businesses. We respectfully request the opportunity to meet with you at your earliest convenience to discuss our respective priorities for the next several years under the Trump administration's regulatory reform agenda.

Indeed, the first 100 days of the Trump administration have been momentous for environmental policy. AGC members have taken heed of President Donald Trump's promise to streamline the infrastructure permitting process. Already President Trump has signed multiple executive orders related to environmental issues and regulatory reforms and issued broad directives meant to expedite environmental reviews for "high priority" infrastructure projects. AGC recently presented the White House and Congress with its new document "Reforms for Improving Federal Environmental Review and Permitting" aimed at speeding up project delivery for critical construction projects, without sacrificing environmental protections.

AGC applauds your quick action in setting up a Regulatory Reform Task Force, as required by President Trump's Executive Order (EO) 13777. Recognizing that this effort is operating in concert with EO 13771, directing EPA to identify two regulations for elimination whenever it seeks to promulgate one new rule, AGC appreciated the recent opportunity to inform your task force on possible opportunities to make existing environmental rules, policies and programs less burdensome (Docket ID: EPA-HQ-OA-2017-0190 – click here for AGC's submission).

The construction industry plays a key role in the U.S. economy. Ninety-one percent of the construction firms in the United States are small businesses employing fewer than 20 workers. The year-after-year addition of new environmental permits, permissions, approvals and other requirements for construction projects has had unfortunate cumulative effects – such as creating unnecessary inefficiencies, delays and costs. This underscores the need for, and importance of, conducting meaningful reforms to eliminate duplicative, overlapping or contradictory requirements.
It is unclear how EPA will make decisions on which regulations it will target and when that process will get started. AGC would like to speak with you about your priorities, answer questions you may have about the construction industry, and identify areas where we can work together.

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AGC looks forward to working with EPA and the U.S. Army Corps of Engineers to provide clarity regarding the scope of federal jurisdiction under the Clean Water Act; AGC supports action to withdraw and re-propose the "Waters of the United States" rule, as appropriate and consistent with law. Notwithstanding, AGC maintains that more modest updates to various EPA programs could provide the biggest long-term boons for construction firms. AGC's comments regarding EPA's evaluation of existing regulations, referenced above, targeted smaller adjustments that could be quickly implemented to reduce burdens and compliance costs, including:

- Update the **federal stormwater permitting program** to:
  - Provide simpler, streamlined permits for small construction "sites" that are minimal risk;
  - Remove the "Minimum Measure #4" (Construction Site Runoff Control Program) from the small Municipal Separate Storm Sewer System (MS4) rules, thereby avoiding duplicate or conflicting erosion and sediment control requirements between local programs and state National Pollutant Discharge Elimination System (NPDES) construction general permits (CGP);
  - Revise the federal MS4 permit "compendium" that currently favors flow-based or treatment-based standards without properly considering cost and feasibility in the field; and
  - Conduct a more complete/accurate cost-benefit analysis for the construction stormwater program (EPA's 2017 CGP was not properly "certified" under the Regulatory Flexibility Act and wrongly relies upon a consolidated information collection request (ICR) that covers the entire NPDES program).
- Allow a **construction jobsite's Stormwater Pollution Prevention Plan (SWPPP)** – required by all CGPs – to also satisfy the agency's **Spill Prevention Control and Countermeasure (SPCC) plan** requirements. Otherwise this is double regulation: both plans address oil storage and spill control, containment and cleanup measures and each plan carries significant costs for the contractor to develop.
- Recognize that OSHA rules prevent the spread of lead-paint dust during all construction and terminate efforts to expand EPA's **Lead Renovation, Repair and Painting (RRP) rules** to cover more buildings.
- Curtail the public's ease of **access to company-specific compliance and enforcement-related data** that fuels citizen suits. AGC has great concerns about this aspect of EPA's Next Generation Compliance Policy.
- Bring back **cooperative Industry-Agency partnership and recognition programs** that encourage prompt discovery and correction of environmental problems and lead to enhanced environmental performance.

I believe we share many of the same goals: to ensure federal environmental rules, policies and programs remain relevant and efficient, accomplish their stated objectives, and impose the least possible burdens on the regulated community. Again, AGC requests a meeting with you to discuss how AGC and EPA can collaborate on these important efforts. Please contact Ashley MacDonald from my staff at Ashley.macdonald@agc.org or f(703) 837-5309 to coordinate scheduling.

Best regards,

Stephen E. Sandherr