January 21, 2015

United States Senate
Washington, DC 20510

Dear Senators:

The National Association of Manufacturers (NAM), the largest manufacturing association in the United States representing manufacturers in every industrial sector and in all 50 states, urges you to oppose S.A. 69, offered by Senator Dick Durbin (D-IL) to a bill to approve the Keystone XL Pipeline.

Petroleum coke, or petcoke, is a valuable and essential commercial product derived from crude oil and used directly in a wide range of applications, including aluminum manufacturing, fuels, steel, glass, paint, and fertilizer, and to produce energy in power generation, cement kilns and other industries.

Petcoke storage and handling facilities are already governed by a wide range of federal and state environmental and safety regulations, including but not limited to the Clean Air Act, Clean Water Act and the International Fire Code. These regulations ensure that fugitive dust does not become a nuisance, employees are properly trained, preventative maintenance is employed, risks are identified, spill prevention and response procedures are in place, and adequate records are kept.

The Durbin amendment has the potential to place unnecessary new restrictions on the storage and handling of petcoke. To the extent that these new regulations make petcoke more expensive or limit its supply in the U.S.—or limit the supply of the oil from which it is derived—manufacturers could face a competitive disadvantage against their foreign counterparts. Petcoke is a product manufacturers need and that in many cases cannot be easily replaced. This amendment would also delay approval of the Keystone XL Pipeline until the EPA and DOT finalize new regulations on petcoke, a process that could take months or even years—thus injecting a new pathway for delay of Keystone XL’s long-overdue permit.

The NAM’s Key Vote Advisory Committee has indicated that votes on Durbin S.A. 69, or on procedural motions related to the amendment, may be considered for designation as Key Manufacturing Votes in the 114th Congress.

Thank you for your consideration.

Sincerely,

Aric Newhouse
Senior Vice President
Policy and Government Relations
Aric Newhouse