



**COMMENTS: ECONOMIC IMPACT ANALYSIS FOR CHANGES TO NR 538  
RELATED TO THE BENEFICIAL USE OF INDUSTRIAL BYPRODUCTS**

The Wisconsin Paper Council (WPC) appreciates the opportunity to comment on the Economic Impact Analysis (EIA) for WA-11-15 which revises Chapter NR 538 related to the Beneficial Use of Industrial Byproducts.

WPC is the premier trade association which advocates for the pulp and paper industry in Wisconsin. The papermaking industry is a key economic driver for Wisconsin, employing over 35,000 highly skilled men and women whose efforts continue to make us the number one papermaking state in the United States. In addition to driving Wisconsin's economy, our industry remains focused on sustainability and strong environmental stewardship. Our members pride themselves on continual scientific advancement to produce products that are renewable, recyclable, and sustainable.

As an association, WPC advocates for regulatory transparency, predictability, and certainty both federally and at a state level. WPC believes the foundation of good regulation is the balance of environmental protection and economic impact, which is why we believe the EIA process prescribed by the legislature in 2017 Wisconsin Act 57 is so vital.

WPC is not specifically objecting to the proposed changes to NR 538 in these comments but shares the concerns presented by Wisconsin Manufacturers & Commerce (WMC) related to the EIA. The EIA states "*The proposed revisions to the beneficial use rules under ch. NR 538, Wis. Adm. Code, will not impose any additional regulatory or fiscal requirements on the potentially affected industries since participation in the beneficial use program is entirely voluntary.* Industrial byproduct generators can choose to beneficially reuse their byproducts in accordance with ch. NR 538 requirements or take the material to a licensed municipal solid waste or industrial landfill," (emphasis added).

WPC believes the DNR should do a full and accurate analysis of rule's cost impact on the regulated community regardless of whether the program is voluntary. Even if a program is voluntary, participants may have invested significantly in order to take part in the program, and rule changes can impact those investments. As the EIA notes, byproduct generators can continue the program or landfill byproducts, both of which will have a cost. In some instances, rule changes could cause a facility to abandon a prior investment or invest more to continue to take part in the program. If a byproduct generator is forced to abandon an investment, and instead pay to landfill byproducts, the cost could be significant.

Moreover, it is important for regulation to encourage environmentally responsible activity, such as the beneficial use of industrial byproducts. If this change would result in byproduct generators leaving the program because of increased cost, it is important for the regulated community and citizens to understand that.

The purpose of the EIA is to help the regulated community and citizens understand the cost of regulatory changes. This is true regardless of whether the change is to a mandated or voluntary program. WPC respectfully requests DNR provide a full evaluation of the cost of the changes presented in WA-11-15.

WPC appreciates the opportunity to provide input on this EIA.