

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

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TO THE MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES:

The U.S. Chamber of Commerce supports H.R. 1917, the “Blocking Regulatory Interference from Closing Kilns (BRICK) Act of 2017.” The bill would ensure that the U.S. brick industry will not be forced to comply with the Brick Maximum Achievable Control Technology (MACT) standards for air quality issued by the U.S. Environmental Protection Agency (EPA) until after judicial challenges to the rule are resolved.

EPA issued an earlier version of the Brick MACT rule in 2003, which required the brick industry to spend millions of dollars to purchase, install, and operate control equipment. Five years later, a court threw out the 2003 rule. Now brick companies are faced with having to pay to tear out the equipment they installed and install even more costly new equipment. Brick companies are rightfully worried that they may make the investment to comply with the 2015 rule, only to have it subsequently thrown out by a court. To avoid this unfair and wasteful outcome, H.R. 1917 would set a compliance date for the final Brick MACT rule after judicial challenges to the 2015 Brick MACT rule are completed and after any subsequent final rule is promulgated.

It is important that American industries are not unfairly penalized when they are compelled to comply with costly rules that are later overturned by the courts. This wasteful and unreasonable outcome must be avoided.

Sincerely,



Neil L. Bradley