

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
GOVERNMENT AFFAIRS

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February 24, 2016

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Upton and Ranking Member Pallone:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, strongly supports H.R. 4557, the "Blocking Regulatory Interference from Closing Kilns (BRICK) Act of 2016." The bill would ensure that the U.S. brick industry will not be forced to comply with the Brick Maximum Achievable Control Technology (MACT) 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. 4557 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. The Chamber released a new [report](#) earlier this month examining how the new Brick MACT rule could devastate the U.S. brick manufacturing industry, absent congressional action.

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. Accordingly, the Chamber strongly supports H.R. 4557 and urges the Committee to report the bill favorably to the full House.

Sincerely,



R. Bruce Josten

cc: Members of the Committee on Energy and Commerce