

Bad Policy and Bad Precedent: Oppose H.R. 4557, the BRICK Act

Dear Colleague:

Later this week, the House will consider H.R. 4557, the mistitled “Blocking Regulatory Interference from Closing Kilns Act of 2016” or “BRICK Act.” This bill delays implementation of EPA’s final Brick and Structural Clay Products rule and the final Clay Ceramics Manufacturing rule (Brick and Clay MACT) under the Clean Air Act, by extending all compliance deadlines based on pending judicial review. EPA’s Brick and Clay MACT are modest and long overdue standards for limiting air pollution.

As described in the [attached fact sheet](#), the courts already have the authority to issue a “stay” of compliance dates in the final rule. However, the bill throws out the existing judicial process by legislatively granting a blanket extension for any compliance deadline, regardless of the merits of the legal challenge or the final outcome. There is no reason for Congress to override this process and the judgment of the courts. Further, opponents of the Brick and Clay MACT rule would be given a powerful incentive to “run the clock” on frivolous litigation, simply to put off having to reduce their air toxics emissions.

The BRICK Act represents bad policy and passing it would create a dangerous precedent, so I strongly urge you to oppose H.R. 4557.

Sincerely,

FRANK PALLONE, JR.
Ranking Member
Committee on Energy and Commerce