

Congress of the United States
Washington, DC 20515

October 24, 2014

The Honorable Howard Shelanski
Administrator, Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street NW
Washington DC 20503

RE: The EPA's Brick MACT rule

Dear Administrator Shelanski:

We are writing to express our concern regarding the significant financial impact and minimal environmental gain from the U. S. Environmental Protection Agency's (EPA's) proposed Maximum Achievable Control Technology (MACT) rule for brick and structural clay manufacturing that soon will be under your agency's review. This "Brick MACT" could needlessly jeopardize the economic viability of U.S. brick manufacturers and distributors across numerous states, including Texas, Missouri, Louisiana, Alabama, Pennsylvania, Ohio, Idaho, and imperil tens of thousands of manufacturer, distributor, and mason jobs nationwide. We urge the Office of Management and Budget to closely review this rule and weigh the enormous compliance costs against the minimal environmental benefit the EPA hopes to achieve. We believe that options exist within the Clean Air Act (CAA) that will allow for a rule that both protects the environment and prevents the needless closure of large, small, and family owned businesses and cripples or destroys the U.S. brick industry.

In 2003, EPA issued a Brick MACT that was fully implemented by the brick industry by the 2006 compliance date. Although the 2003 MACT was vacated by the courts in 2007, most air pollution control devices that were installed to comply with the 2003 MACT rule remain in operation. Since 2003, this industry has spent more than \$100 million installing and operating these controls. These new controls are now being used by the EPA as the basis for a revised MACT that could be needlessly and significantly more stringent than the 2003 MACT. This "MACT on MACT" situation could require the costly removal and replacement of still-viable air pollution control devices without producing actual environmental or human health benefits as well as the addition of costly controls on kilns not previously requiring controls.

There are flexibilities under the CAA that would allow EPA to assess the need for these potentially overly stringent standards and to consider alternative standard formats. We strongly urge OMB to ensure that EPA has fully evaluated these flexibilities, including the potential use of a health-based standard as allowed under Section 112(d)(4) for threshold pollutants, which comprise more than 99 percent of overall emissions from a brick manufacturing operation. OMB should also ensure that EPA has considered reasonable requirements for the remaining emissions, which occur from trace metals in the clay and shale raw materials. Any

requirements to control these metals, including mercury, should be commensurate with any purported environmental benefit that the control may provide. Work practice requirements, as allowed under Section 112(h) of the CAA should be evaluated for these small emissions. If a numerical approach is used, EPA should clearly demonstrate in their proposal that there are air pollution control devices that can treat the extremely low concentration emission streams that they propose to regulate.

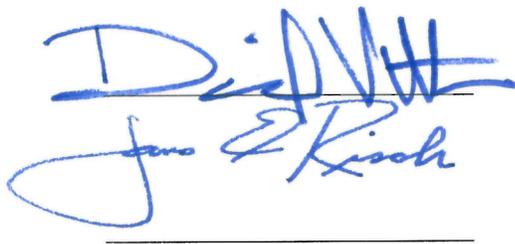
EPA's own estimates of a MACT that follows traditional MACT standard setting procedures could cost this industry \$188 million per year in compliance costs. This is clearly a huge cost for an industry with annual brick sales revenue of approximately \$1.1 billion dollars in 2013, up from recent record lows. Many of our Nation's brick plants are family-owned, employing multi-generational workers, in rural communities dependent upon the blue-collar jobs provided by these facilities. At a time when most of these plants struggle to stay operational, compliance with a new brick MACT requiring the removal and replacement of still viable air pollution controls, creates a situation where many plants will be unable to comply. Investment in air pollution control devices that provide limited environmental benefit could mean the end for many brick operations. At a minimum, we urge OMB to insist that EPA address all options available under the CAA and to request public comments on their viability.

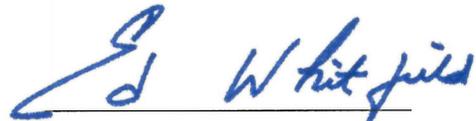
Thank you for your time and effort regarding this matter. As you conduct your review, we encourage you to discuss the rule and the potential for a health-based standard with industry representatives in order to ensure their concerns are addressed in full by the final rule. Based on the situation as outlined, we expect OMB will closely consider the rule's impact on the brick industry, finding a suitable outcome for both industry and air (environmental quality) quality. A reasonable standard protects the environment while ensuring this essential industry continues to thrive, create jobs in our states, and aid in our economy's recovery.

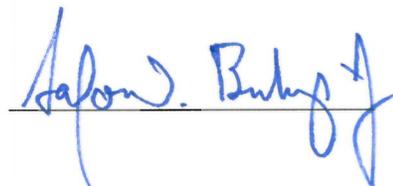
Sincerely,











Mike Johnson

Michael B. Eiji

[Signature]

James McLaughlin

Pat Rooney

Mike Crespo

John Bozman

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ILTS

John Gaudin

Kay Stanger

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