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# Brick Industry/Clean Air Act: U.S. House of Representatives Enacts Legislation Addressing NESHAP Compliance Dates

## Arkansas Environmental, Energy, and Water Law Blog

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The United States House of Representatives enacted H.R. 4557 which would extend compliance dates for entities affected by any rule addressing Clean Air Act National Emission Standards for Hazardous Air Pollutants ("NESHAP") for brick, structural clay and ceramic products manufactured in kilns.

The Bill is titled the "Blocking Regulatory Interference from Closing Kilns" Act.

The State of Arkansas has facilities subject to these NESHAPs.

The rules affected by the legislation include:

- NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing, published in the Federal Register on October 26, 2015
- NESHAP for Brick and Structural Clay Products Manufacturing; and NESHAP for Clay Ceramics Manufacturing:Correction published in the Federal Register on December 4, 2105; and
- Any final rule that amends these rules

The Bill would extend compliance dates for manufacturers to allow for resolution of the judicial review process. It provides that manufacturers need not comply with the rule until a specified period after a judgment becomes final (and would no longer be subject to further appeal or review) for all legal actions filed during sixty days after the final rule is published in the Federal Register.

The Executive Office of the President issued a March 2<sup>nd</sup> "Statement of Administration Policy" noting its opposition to H.R. 4557. It states that if the President is presented with H.R. 4557, his Senior Advisers would recommend a veto of the Bill.

[Click here to download a copy of a United States House of Representatives Energy and Commerce Committee news release and the Statement of Administration Policy.](#)