

**Center for Biological Diversity \* Clean Water Action \* Earthjustice  
Environment America \* Friends of the Earth \* League of Conservation Voters  
League of Women Voters of the United States \* Natural Resources Defense Council  
Sierra Club \* Southern Environmental Law Center**

November 13, 2017

Dear Senator or Representative,

On behalf of our millions of members, the undersigned organizations urge you to oppose the Blocking Regulatory Interference from Closing Kilns Act of 2017, or BRICK Act (H.R. 1917, S. 839). This bill is merely another in the trend of congressional efforts to delay needed health protections for as long as polluters can keep a legal case alive.

The Clean Air Act requires that the Environmental Protection Agency (EPA) set standards to limit toxic air pollution from brick manufacturing facilities. These facilities emit mercury, a dangerous neurotoxin that harms children's developing brains, and other dangerous toxins including arsenic and chromium, that are known to cause cancer.

Congress required the EPA to set these standards over 15 years ago. EPA finalized these standards in 2015, but the brick industry is still fighting to emit more toxic pollution. The BRICK Act aims to help the polluters avoid regulation, since it seeks to *further* delay implementation of toxic air pollution standards for brick facilities until every polluter's lawsuit has been fully litigated and appealed, including to the Supreme Court. This would have the effect of stalling these much needed and overdue health protections for as long as industry lawyers can keep a case alive.

The Clean Air Act already contains a mechanism to delay implementation of a rulemaking during a lawsuit if the litigants can prove valid reasons; judges have long handled this situation and are familiar with what factors to consider.

Not only would the BRICK Act delay needed health protections, exposing Americans to more deadly toxic air pollution, but the BRICK Act would also insert the legislative branch into ongoing litigation and interfere with the authority of our judicial branch of government.

Americans have been exposed to toxic pollution from this industry far longer than the law allows. We urge you to stand against further delay and oppose the BRICK Act.

Sincerely,

Center for Biological Diversity

Clean Water Action

Earthjustice

Environment America

Friends of the Earth

League of Conservation Voters

League of Women Voters of the United States

Natural Resources Defense Council

Sierra Club

Southern Environmental Law Center