

Cutting Toxic Air Pollution from Brick Kilns

There is a sign-on letter circulating by Senator Hagan's office that is a premature and misleading effort by the Brick Industry Association (BIA) to have Senate offices contradict EPA legal and policy positions long before a proposed rule on brick kilns has even been issued.

Industry will have the opportunity to be heard by EPA once a proposed rule for these facilities is issued. Senate offices should not sign this letter, as it is directly at odds with longstanding EPA legal interpretations and attempts to subvert EPA rulemaking processes.

Toxic emissions from brick and ceramic kilns cause cancer, respiratory problems, and neurological and organ damage.

- Each year, unregulated brick plants emit nearly 6,500 tons of acid gases and soot. These emissions contain:
 - Mercury, which harms children's brains. Exposure can lead to developmental problems and learning disabilities.
 - Benzene, which in high concentrations may lead to coma or death
 - Cancer-causing toxics like arsenic, lead, chromium, and dioxins.

Strong rules to protect people from this toxic threat are a decade overdue.

- EPA was required to set toxic air pollution rules for brick kilns by 2000. EPA issued an initial rule for brick kilns three years late, in 2003. The U.S. Court of Appeals for the D.C. Circuit found the 2003 rule illegal and sent it back to EPA in 2007. Since the 2003 rule was found illegal, today there are no federal limits on brick kilns' toxic air pollution.

Industry seeks to undermine future rules based on unsupported claims.

- The BIA suggests Administrator Jackson "knows" brick plants spent \$100 million to comply with the illegal 2003 Rule. The BIA provides no basis for this statement.
- BIA also claims many plants will have to remove pollution controls they installed. As no rule has been proposed yet, this claim is inherently baseless. There has never been any suggestion by EPA that pollution controls should be removed.

BIA seeks exemptions from toxic control requirements.

- BIA urges EPA to set weak standards for pollutants that "do not pose a health risk." Brick kilns emit toxic, cancer-causing pollutants that EPA is required to regulate.
- BIA also argues that EPA should exempt from the rule kilns that installed pollution controls to meet EPA's 2003 Rule. These claims are naked attempts by industry to avoid and escape toxics standards for brick kilns, since EPA has yet to propose any rule.

BIA's preferred regulatory approach is do-nothing weak standards.

- BIA argues that EPA should not set standards for individual toxic pollutants, since they would be "unrealistic." BIA makes this claim without knowing what the proposed standards would be. As such, this claim is merely an attempt to avoid regulation.
- Rather than being "unrealistic," EPA is required by law to set toxic air pollution standards at levels already being achieved by facilities that are currently operating.

For more information, contact: Jim Pew jpew@earthjustice.org (202) 667-4500