



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

October 3, 2018

### **S. 2461** **Blocking Regulatory Interference from Closing Kilns Act of 2018**

*As reported by the Senate Committee on Environment and Public Works  
on September 18, 2018*

S. 2461 would extend compliance dates for entities affected by final rules addressing national emission standards for hazardous air pollutants (NESHAP) under the Clean Air Act for brick, structural clay, and ceramic products manufactured in kilns.

The rules that would be affected are:

- NESHAP for Brick and Structural Clay Products Manufacturing and NESHAP for Clay Ceramics Manufacturing, published in the *Federal Register* on October 26, 2015; and
- NESHAP for Brick and Structural Clay Products Manufacturing and NESHAP for Clay Ceramics Manufacturing: Correction, published in the *Federal Register* on December 4, 2015.

The NESHAP rule, published on October 26, 2015, by the Environmental Protection Agency (EPA), requires manufacturers of brick, structural clay, and ceramic products to reduce emissions of hazardous air pollutants from kilns. Under that rule, manufacturers must comply with the regulations by December 2018.

S. 2461 would extend compliance dates for manufacturers until September 2020. CBO estimates that revising the rule's compliance date would not have a significant effect on the agency's workload or spending.

The bill also would require EPA to finalize new NESHAP regulations within one year after judicial review of the rule is completed. Using information from EPA about current activities related to the NESHAP and similar rules promulgated under the Clean Air Act, CBO estimates that the costs of undergoing a new rulemaking would total about \$1 million over a period of two to three years. That amount includes the costs for personnel and contracts necessary to develop and issue a proposal, to receive and respond to public comments, and to issue a final rule.

Enacting S. 2461 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting S. 2461 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

S. 2461 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

On January 10, 2018, CBO transmitted a cost estimate for H.R. 1917, the Blocking Regulatory Interference from Closing Kilns Act of 2017, as ordered reported by the House Committee on Energy and Commerce on December 6, 2017. The two pieces of legislation are similar; however, S. 2461 would require EPA to conduct a new rulemaking to replace the current NESHAP, whereas H.R. 1917 would not. As a result, CBO's estimate of the costs to implement S. 2461 are higher than for H.R. 1917.

The CBO staff contact for this estimate is Jon Sperl. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.