



Legislative Bulletin.....October 5, 2011

Contents:

Amendments to **H.R. 2250**—EPA Regulatory Relief Act of 2011

Order of Business: The bill is scheduled to be considered on Wednesday, October 5, 2011 under a modified open rule ([H.Res.419](#)) that allows for one hour of general debate, the consideration of amendments pre-printed in the Congressional Record, and allows for one motion to recommit.

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AMENDMENTS PREPRINTED IN THE CONGRESSIONAL RECORD FOR H.R. 2250

1. **Schakowski (D-IL).** The amendment would add a finding that states: “mercury released into the ambient air from industrial boilers and waste incinerators addressed by the rules listed in section 2(b) of this Act is a potent neurotoxin that can damage the development of an infant's brain.”
2. **Edwards (D-MD).** The amendment would add a finding that states the EPA’s analysis of the impacts of the final rules promulgated by the EPA based on “peer-reviewed literature, such rules would create 2,200 net additional jobs, not including the jobs created to manufacture and install equipment to reduce air pollution.”
3. **Jackson-Lee (D-TX).** The amendment strikes the five year industry compliance timeline and replaces it with three years.
4. **Doyle (D-PA).** The amendment strikes language in the bill that allows industry to have five years to reach compliance for the EPA rules and replaces it with a requirement the Administrator establish a date for compliance in accordance with section 112(i)(3) of the Clean Air Act. If the Administrator determines there is compelling reason to extend the compliance date, he or she may provide for an extension for up to one year, but in no case beyond five years after the effective date of H.R. 2250.
5. **Blumenauer (D-OR).** The amendment adds a new section to the bill to require the new rules developed under section 112 of the Clean Air Act (CAA) to be mandated by a rule to be achieved no later than 2003. Additionally, the amendment requires the new emission standards developed under section 129 of the CAA to be promulgated no later than the year 1994 and requires emissions reductions mandated by such rule to be achieved no later than 1999.

6. **Rush (D-IL).** The amendment adds a new provision to section five of the bill that states its requirements are “intended to supplement the provisions of, and shall not be construed to supersede any requirement, limitation, or other provision of, sections 112 and 129 of the Clean Air Act.”
7. **Quigley (D-IL).** The amendment would allow the implementation of the EPA proposed regulations blocked under H.R. 2250 to proceed if such emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities increases the risk of cancer.
8. **Waxman (D-CA).** The amendments adds a finding that state “Congress finds that, according to the Environmental Protection Agency, if the rule specified in section 3(b)(1) remains in effect, it will yield annual public health benefits of \$22 billion to \$54 billion, while the costs of such rule are \$1.9 billion.”
9. **Waxman (D-CA).** The amendment would allow the implementation of the EPA proposed regulations blocked under H.R. 2250 to proceed if emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities are harming brain development or causing learning disabilities in infants or children.
10. **Waxman (D-CA).** If the Director of the Office of Management and Budget, in consultation with the Chief Financial Officer of the Environmental Protection Agency, the Comptroller General of the United States, and the Director of the Congressional Budget Office, determines within 10 days of enactment that H.R. 2250 authorizes the appropriation of funds to implement the bill, the amendment nullifies the implementation of the bill without an offsetting reduction in an existing authorization of appropriations.
11. **Waxman (D-CA).** The amendment would require the bill to reduce an existing authorization of appropriations as an offset, if H.R. 2250 authorizes the appropriation of any funds to carryout the act. The underling bill does not authorize any appropriations.
12. **Ellison (D-MN).** The amendment allows the EPA Administrator to reduce the five year effective date in the underlying bill if the Administrator finds that such regulation will create more than 1,000 jobs after “regulation.”
13. **Ellison (D-MN).** The amendment strikes the term “non-air quality” where the bill requires the Administrator to take into account “non-air quality health and environmental impact and energy requirements” when taking into consideration compliance dates.
14. **Ellison (D-MN).** The amendment strikes section five of the bill that clarifies that the emissions standards set by the Administrator in the new rules should be achievable in practice.
15. **Hahn (D-CA).** The amendment adds a new section to that would allow the implementation of the EPA proposed regulations on industrial boilers, process heaters, and incinerators to continue (H.R. 2250 blocks their implementation) if they apply to sources of air pollution in any of the 10 metropolitan areas of the United States with the worst air quality.

The amendment also does not allow the EPA to replace the current rules to any of the 10 metropolitan areas of the United States with the worst air quality if the provisions are not equally or more protective of public health and environment than the current rules.

The amendment defines metropolitan areas as those closely corresponding to the city or group of cities ranked among the cities with the worst year-round particle pollution in the “State of the Air 2011” report of the American Lung Association. The amendment also defines worst air quality as during the 5-year period beginning the 10 metropolitan areas listed in the “State of the Air 2011” report of the American Lung Association as having the worst year-round particle pollution and during each successive 5-year period, the 10 metropolitan areas determined by the Administrator of the Environmental Protection Agency to have the highest year-round levels of particulate matter in the air.

- 16. Capps (D-CA).** The amendment adds an additional finding that if the EPA promulgates new rules under this act, for every dollar in costs, the rules will provide at least \$10 to \$24 in health benefits, due to the avoidance each year of:
- ◆ 2,600 to 6,600 premature deaths;
 - ◆ 4,100 nonfatal heart attacks;
 - ◆ 4,400 emergency room visits;
 - ◆ 42,000 cases of aggravated asthma; and
 - ◆ 320,000 days of missed school or work.
- 17. Connolly (D-VA).** The amendment would allow the implementation of the EPA proposed regulations to continue (H.R. 2250 blocks their implementation) if emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities cause “respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis, in communities with air pollution levels that exceed the health-based air quality standards.”
- 18. Connolly (D-VA).** The amendment would allow the implementation of the EPA proposed regulations to continue (H.R. 2250 blocks their implementation) if emissions from waste incinerators or industrial boilers at chemical facilities, oil refineries, or large manufacturing facilities cause “respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.”
- 19. Welch (D-VT).** The amendment adds a finding to the bill that states: “the Congress finds that the American people are exposed to mercury from industrial sources addressed by the rules listed in section 2(b) of this Act through the consumption of fish containing mercury and every State in the Nation has issued at least one mercury advisory for fish consumption.”
- 20. Pallone (D-NJ).** The amendment adds a sense of congress in the beginning of the bill that states: “The Congress finds that Federal departments and agencies should support efforts to achieve the science-based, 10-year national objectives for improving the health of all Americans through reduced exposure to mercury that are established in Healthy People 2020 and were developed under the leadership of the National Institutes of Health and the Centers for Disease Control and Prevention during two presidential administrations.”

The amendment also adds an additional provision to the end of the bill that would make enactment of the legislation contingent on approval by the Director of the National

Institute of Health and Centers for Disease Control and Prevention. If they determine the rules promulgated under this act would “threaten to impede efforts to achieve the science-based, 10-year national objective for reducing mercury concentrations in children's blood that is established in Healthy People 2020”, the bill would be nullified.

21. *Speier (D-CA)*. The amendment would require an additional study by the EPA Administrator to occur within twelve month of enactment that would evaluate emission control technologies in use by the best-performing 12 percent of industrial, commercial, and institutional boilers and process heaters, and commercial and industrial solid waste incineration units, that were evaluated with respect to the blocked EPA rules in the underlying bill. The report must include the following:

- ◆ A description of the emissions control efforts of such boilers, process heaters, and incineration units.
- ◆ The cost-efficient and cost-effective strategies employed by such sources to reduce emissions.
- ◆ A description of the emission control technologies that such sources are using that will achieve compliance with the rules listed in subsection (b).
- ◆ Identification of manufacturing industries involved in making emissions control technologies in use by such sources.

22. *Cohen (D-TN)*. The amendment requires the EPA to also evaluate “potential reductions in the number of illness-related absences from work due to respiratory or other illnesses” when promulgating a new rule for the cement industry.