



## Legislative Bulletin.....October 5, 2011

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Amendments to H.R. 2681— Cement Sector 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. 2681

1. **Schakowsky (D-IL).** The amendment would add a finding that states: “mercury released into the ambient air from cement kilns 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. **Moore (D-WI).** The amendment would add a new section to the bill that provides for a delayed effective date until the President certifies that implementation of this Act:
  - ◆ Will not adversely affect public health in the United States; and
  - ◆ Will not have a disproportionately negative impact on subpopulations that are most at risk from hazardous air pollutants, including communities with a high proportion of minorities, low-income communities, pregnant women, and the elderly.

The amendment would also require the President to certify his determination in the federal register within 90 days.

3. **Edwards (D-MD).** The amendment adds an additional finding that if the EPA promulgates new rules under this act, they are expected to yield annual public health benefits of \$6,700,000,000 to \$18,000,000,000, while the costs of such rules are \$926,000,000 to \$950,000,000.
4. **Jackson-Lee (D-TX).** The amendment strikes the five year industry compliance timeline and replaces it with three years.
5. **Keating (D-MA).** 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.

6. **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.
7. **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.”
8. **Quigley (D-IL).** The amendment would allow the implementation of three EPA proposed regulations on cement manufacturing facilities to continue (H.R. 2681 blocks their implementation) if emissions such emissions are increasing the risk of cancer.
9. **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. 2681 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.
10. **Waxman (D-CA).** The amendment would require the bill to reduce an existing authorization of appropriations as an offset, if H.R. 2681 authorizes the appropriation of any funds to carryout the act. The underling bill does not authorize any appropriations.
11. **Waxman (D-CA).** The amendment would allow the implementation of three EPA proposed regulations on cement manufacturing facilities to continue (H.R. 2681 blocks their implementation) if any cement kiln emissions are harming brain development or causing learning disabilities in infants or children.
12. **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.
13. **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.
14. **Ellison (D-MN).** The amendment requires the EPA Administrator to publish a notice in the Federal Register estimating the public health impact of delaying the regulations blocked under H.R. 2681 within sixty days of enactment.
15. **Hahn (D-CA).** The amendment adds a new section to that would allow the implementation of three EPA proposed regulations on cement manufacturing facilities to continue (H.R. 2681 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 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. Markey (D-MA).** The amendment adds an additional finding that if the EPA promulgates new rules under this act, they are expected to reduce the amount of mercury that deposits to land and water by up to 30 percent in some areas of the western United States and 17 percent in some areas of the eastern United States.

**17. 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 \$7 to \$19 in health benefits, due to the avoidance each year of:

- ◆ 960 to 2,500 premature deaths;
- ◆ 1,500 nonfatal heart attacks;
- ◆ 1,000 emergency room visits;
- ◆ 17,000 cases of aggravated asthma; and
- ◆ 130,000 days of missed work.

**18. Connolly (D-VA).** The amendment would allow the implementation of three EPA proposed regulations on cement manufacturing facilities to continue (H.R. 2681 blocks their implementation) if cement kiln emissions are “causing respiratory and cardiovascular illnesses and deaths, including cases of heart attacks, asthma attacks, and bronchitis.”

**19. Connolly (D-VA).** The amendment would allow the implementation of three EPA proposed regulations on cement manufacturing facilities to continue (H.R. 2681 blocks their implementation) if cement kiln emissions are “causing 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.”

**20. 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.”

**21. 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.

**22. *Garamendi (D-CA)*.** The amendment strikes the bill and replaces the text with a sense of Congress that states: “Given that the United States cement industry must comply with United States labor and air pollution standards and faces strong competition from foreign countries with weak labor and air pollution emissions requirements, it is the sense of the Congress that Federal departments and agencies should strictly enforce the Buy American requirements in Federal law applicable to the manufacture of cement in the United States.”

**23. *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.

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