

facility and industry operations and implicates National Security interests of the U.S. In this regard, EPA notes that:

*National security has expanded beyond acts of terrorism, to include cyber-attacks and physical attacks on critical infrastructure, pandemics and bioweapons, great power competition among nation states, geopolitical instability, theft of research & intellectual property, the misuse of artificial intelligence, climate security, supply chain risk management, threats to water and food supplies and catastrophic natural disasters.*¹²

Indeed, the President has designated the unfair trade balance (and commensurate domestic manufacturing vulnerability) as a national security interest of the U.S.¹³ The President's authority in designating "national security interests" is broad. In several instances (though relating to immigration and external security), the U.S. Supreme Court has refused to substitute its "own assessment for the Executive's predictive judgments on such matters, all of which 'are delicate, complex, and involve large elements of prophecy.'"¹⁴ Moreover, acting pursuant to Section 112(i)(4), "an express ... authorization of Congress," President Trump's authority would be at a maximum because this includes all of the power that the President "possesses in his own right plus all that Congress can delegate."¹⁵ In the case of our VI members, however, it is not even a close call.

VI members produce ethylene dichloride (EDC) and vinyl chloride monomer (VCM), both of which are key HON SOCM chemicals used in the production of PVC resin. If EDC and/or VCM units must go offline due to HON's current compliance dates, then the PVC resin market would be disrupted, with potentially significant adverse economic consequences. PVC products accounted for at least \$4 billion dollars of U.S. exports in 2023. Using approximately 14 billion pounds of PVC resin domestically produced by our members, the U.S. downstream PVC industry employs 350,000 employees (including installers) in over 2,900 hundred converter plants in almost every state. These downstream companies manufacture products, such as critical-care blood bags and medical tubing, to name a few, that generate over \$55 billion annually in economic benefit.¹⁶

¹² See *National Security Defined* at <https://www.epa.gov/national-security/national-security-defined> (last updated July 2, 2024).

¹³ Presidential Memorandum on *America First Trade Policy* (January 20, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/america-first-trade-policy/>.

¹⁴ *Trump v. Hawaii*, 585 U.S. 667, 708(2018) (citing *Chicago & Southern Air Lines, Inc. v. Waterman S.S. Corp.*, 333 U.S. 103, 111 (1948)); see also *Regan v. Wald*, 468 U.S. 222, 242-243 (1984); and *Holder v. Humanitarian Law Project*, 561 U.S. 1, 33-34 (2010).

¹⁵ *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring).

¹⁶ All these contributions to the U.S. economy are being accomplished while the U.S. PVC industry has year over year reduced its emissions profile and environmental burden.