acid plant in 1972, the installation of a more energy-efficient IsaSmelt® vessel in 1992, and upgrades to the facility's particulate matter ("PM") and sulfur dioxide ("SO_2") emission control systems from 2013 to 2017. The Miami Smelter, moreover, is certified according to multiple International Organization for Standardization ("ISO") standards, including ISO 14001 (Environmental Certification) and ISO 45001 (Health & Safety Certification), as well as according to Copper Mark, a comprehensive industry assurance framework designed to demonstrate responsible production practices.

FMMI's operations generate substantial benefits locally (nearly $100 million for Gila County) and for the State of Arizona (almost $300 million) in the form of tax revenues and spending by employees. In 2022, FMMI employed 830 people and created nearly 3,000 additional jobs in Arizona, through the effects of wages, taxes, and services purchased.

FMMI is a subsidiary of Freeport-McMoRan Inc. ("FCX"), one of the world's largest publicly traded copper producers (NYSE: FCX). FCX, headquartered in Phoenix, Arizona, is also the largest copper mining company in the United States, operating seven open-pit copper mines in Arizona (including the large-scale Morenci minerals district in Arizona) and New Mexico, as well as copper processing facilities in Arizona and Texas. All told, FCX's domestic operations annually produce approximately 1.4 billion pounds of copper, accounting for a third of its global production.

FCX recognizes that mining and metal processing impacts the natural environment, and FCX's goal is to conduct mining and processing operations in a manner that minimizes adverse impacts on the environment and supports the protection of ecosystems through responsible environmental stewardship. To that end, FCX understands that environmental protection and stewardship are key to ensuring the long-term viability of its business, including maintaining the necessary support from host communities and governments. FCX's policy objectives include minimizing environmental impacts including those from hazardous air pollutants ("HAP") regulated under the NESHAP program using risk management strategies based on valid data and sound science. Over the years, FMMI has worked collaboratively with the EPA and its technical team to develop effective and workable NESHAP standards applicable to the Miami Smelter.

B. The copper production process

The copper value chain includes more than simply the mining of copper-bearing ore, which itself contains minimal copper by concentration. Copper-bearing ore must be processed to remove its impurities, ultimately resulting in a key intermediary product of copper production copper "anode." Copper anode is traditionally produced by milling sulfide copper ore to create a copper concentrate that is then converted into copper anode through smelting. That is the production process used by the Miami Smelter. The smelting process also produces sulfuric acid, which is then reintegrated upstream into the value chain to be used in mining operations. The Miami Smelter transports its copper anode to an electrorefining facility in El Paso, Texas to produce copper "cathode," which is a very pure form of copper (typically of at least 99.95 percent purity). Copper cathode is the principal form of copper traded on global markets, and it is the product that is further processed for downstream industrial, commercial, and consumer purposes.