

development of unproven technologies to meet the unachievable and unprecedented limits. EPA's promulgation of these new rules results in impacts to the domestic steel industry never contemplated by Congress.

Given the low risk, high costs, domestic impacts, and multiple technical errors in the rules, EPA needs to reconsider the rules and limit any changes from the previous rules to those that are actually required by the Clean Air Act. However, the rules as currently promulgated go well beyond what is mandated and include overreaching and wide-ranging elements. Some of the most problematic elements of the rules (i.e., based on unreliable data, lack of technical justification, and aggressive regulatory positions) are not the subject of *any* mandatory rulemaking to address statutory obligations or court precedent. No court decision displaces EPA's obligations under 112(d) to consider, among other things, costs, non-air quality impacts and achievability, when completing its residual risk and technology review and establishing standards under 112(d). When promulgating the new rules, EPA has not followed Congress' direction as it has failed to appropriately consider such factors.

We encourage EPA to consider all valid data, appropriately consider costs of these rules and other unintended adverse impacts. Another important component will be to collaborate with stakeholders to develop technically sound revisions that are well grounded in science and law.

The importance of avoiding these harms to the taconite and domestic steel industry is emphasized in a December 6, 2023 letter from eight U.S. Senators – including then-Senator JD Vance – to EPA warning that the Taconite RTR and two other rules aimed at the steel sectors “... would dramatically undermine the domestic steel industry and national security while driving production overseas likely resulting in no net reduction in emissions from the steel industry globally.”<sup>4</sup>

Likewise, in a June 14, 2024 letter six U.S. Senators – again including then-Senator Vance – urged EPA to reconsider the Taconite RTR Rule and two other rules aimed at the steel industry, warning that “... the steel industry will be forced to proceed with planning and spending for unproven technologies and work practices while the final provisions of the rules remain uncertain. Given that these regulations will impact nearly every aspect of the integrated iron and steelmaking process, it is imperative that EPA grant both the petitions for reconsideration and requests for stay of the rules.”<sup>5</sup>

Similar concerns were raised in a letter to EPA from Congress Members Crawford and Mrvan of the Congressional Steel Caucus.<sup>6</sup>

<sup>4</sup> Letter from U.S. Senators Vance, Brown, Braun, Manchin, Casey, Klobuchar, Capito, and Young to Administrator Regan, p. 1 (Dec. 6, 2023) (Att. A).

<sup>5</sup> Letter from U.S. Senators Vance, Brown, Braun, Casey, Klobuchar, and Young to Administrator Regan, p. 2 (June 14, 2024) (Att. B).

<sup>6</sup> Letter from Congressmen Crawford and Mrvan to Administrator Regan, (Dec. 18, 2023) (Att. C).