CLIFFS

CLEVELAND-CLIFFS INC

March 31, 2025

U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460
Submitted by Electronic Mail to: airaction@epa.gov

RE: REQUEST FOR PRESIDENTIAL EXEMPTION from "National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review" (89 FR 23294; April 3, 2024) on Behalf of Cleveland-Cliffs Inc. Integrated Iron and Steel Manufacturing Facilities[1]

Pursuant to Section 112(i)(4) of the Clean Air Act ("CAA"), Cleveland-Cliffs Inc. ("Cliffs") hereby requests that the President issue a two-year exemption from the compliance deadlines for emission limits and work practice standards promulgated in the final rule *"National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review"* (the "II&S Rule"), published in the *Federal Register* at 89 Fed. Reg. 23,294 (April 3, 2024). This request encompasses extending the compliance dates by two years for each of Cliffs' integrated iron and steel manufacturing ("II&S") plants subject to the rule, pending EPA's reconsideration of the II&S Rule. Cliffs and the American Iron & Steel Institute ("AISI") submitted several rounds of extensive comments and scientific data and analysis on the II&S Rule.

Cliffs is a leading North America-based steel producer and owns five of the eight II&S facilities in the United States (the other three are operated by a separate steel company, which will submit a separate request). Cliffs' facilities include Burns Harbor and Indiana Harbor East and West in Indiana, Cleveland Works and Middletown Works in Ohio, and Dearborn Works in Michigan.

This request explains why an exemption is appropriate for Cliffs' sources impacted by the II&S Rule, because, as specified in section CAA §112(i)(4), the technologies to implement the standards are not available and an exemption is in the national security interests of the United States.

[1] Cleveland-Cliffs Inc. Facilities: Cleveland-Cliffs Burns Harbor Inc.; Cleveland-Cliffs Cleveland Works LLC; Cleveland-Cliffs Steel Corp. Dearborn Works; Cleveland-Cliffs Steel LLC-Indian Harbor East and West; Cleveland-Cliffs Holdings Corp. Middletown Works.

A. BACKGROUND

EPA first promulgated the NESHAPs for the II&S industry pursuant to CAA §112(d) on May 20, 2003, 68 Fed. Reg. 27,646, establishing emissions limitations for HAPs emitted from new and existing sinter/recycling plants, blast furnaces ("BFs"), and basic oxygen process furnace ("BOPF") shops. This rulemaking required all sources to meet HAP emission standards through application of maximum achievable control technology ("MACT"). It included particulate matter emissions limitations and opacity limits for capture systems and control devices. EPA found that "[p]articulate matter and opacity serve as surrogate measures of HAP emissions."[2]

In 2020, the Trump EPA issued a final rule for the II&S source category to fulfill its obligations under CAA sections 112(d)(6) and (f)(2), known as the "risk and technology review" ("RTR"). The 2020 II&S RTR Rule concluded that the original 2003 II&S Rule addressed the risk from hazardous air pollutants with an adequate margin of safety to public health, and that there were no new technologies that justified revisions to the 2003 MACT standards under CAA §112(d)(6).[3]

On April 3, 2024, the Biden EPA promulgated the II&S Rule, revising the Trump EPA's 2020 RTR rulemaking for the II&S source category. The Agency maintains in the 2024 II&S Rule that the residual risk to human health and environment from the II&S source category continues to be acceptable within an ample margin of safety, based on its analysis in the 2020 RTR.[4]

As to the technology review under CAA section 112(d)(6), however, the 2024 II&S Rule establishes new hazardous air pollutant ("HAP") emissions limits at Sinter/Recycling plants (polycyclic aromatic hydrocarbon, carbonyl sulfide, mercury, hydrochloric acid, dioxin/furan toxicity equivalence), BOPFs (total hydrocarbons, hydrochloric acid, dioxin/furan toxicity equivalence), BF stoves (total hydrocarbon, hydrochloric acid), and BF casthouses (total hydrocarbon, hydrochloric acid); and new standards, in the form of opacity limits, operating limits, and work practice standards, for five Unmeasurable Fugitive Intermittent Particulate ("UFIP") sources (unplanned bleeder valve openings; planned bleeder valve openings; small and large bell leaks; iron beaching; and slag processing, handling and storage operations) based on the flawed conclusion that no new technology is required to meet these standards.

EPA justified the slew of new HAP emissions limitations and UFIP source standards based purportedly on a new technology review. Relying on an aggressive interpretation of the D.C. Circuit's decision in *Louisiana Environmental Action Network v. EPA* ("*LEAN*"), 955 F.3d 1088 (D.C. Cir. 2020), the Biden EPA unlawfully and erroneously established new emission limits and work practice standards without consideration of the underlying CAA §112(d) obligation to only "revise as necessary (taking into account developments in practices, processes, and control technologies)." The record does not support the Biden EPA's new technology review and resulting II&S Rule standards. As the Trump EPA had properly concluded in 2020, there is no demonstrated technically feasible or economically reasonable technology that II&S facilities can use to meet the

[2] *Id.* at 27,467.
[3] 85 Fed. Reg. 42,074, 42,074 (July 13, 2020).
[4] *Id.* at 23,312.

new standards in the II&S Rule. Instead, the Biden EPA reached an unsupported conclusion that no new technologies would be necessary to comply with the new standards. This conclusion ignores the plethora of data in the record demonstrating that the standards are unachievable by even the best performing sources, in contravention of the CAA. The II&S Rule require the development and implementation of unproven control equipment that has never been applied in the II&S industry domestically or internationally.

Cliffs filed a petition for judicial review of the final II&S Rule in the D.C. Circuit and a petition for administrative reconsideration and stay of the rule with EPA. A request for judicial stay of the II&S Rule was denied on October 24, 2024, by the D.C. Circuit Court of Appeals after being opposed by the Biden EPA. EPA sent a letter on August 14, 2024, which was supplemented by a letter on March 5, 2025, to those including Cliffs who had submitted administrative petitions for reconsideration on the II&S Rule, announcing its intent to reconsider the Rule. On March 7, 2025, the Trump EPA moved to hold the II&S appeals in abeyance for at least 120 days pending its reconsideration. On March 12, 2025, the EPA Administrator also announced the Agency's intention broadly to reconsider a group of rules establishing or modifying various National Emission Standards for Hazardous Air Pollutants ("NESHAP") including the II&S Rule. On March 31, 2025, EPA issued a temporary stay of the II&S Rule pursuant to section 307(d)(7)(B) of the CAA requirements for 90 days. Cliffs strongly supports EPA's plan to reconsider the II&S Rule for the numerous legal and technical reasons previously raised in industry comments during the notice and comment period preceding the II&S Rule, in Cliffs' lawsuit, and in Cliffs' petition for reconsideration.

EPA further indicated that the President was considering issuing exemptions from compliance dates under CAA §112(i)(4) where appropriate, and that affected sources should provide requests for such exemptions to EPA by March 31, 2025. Cliffs is timely submitting such request herein.

B. NO TECHNICALY FEASIBLE OR COST-EFFECTIVE TECHNOLOGY IS AVAILABLE TO IMPLEMENT THE 2024 II&S RULE

No technically feasible or cost-effective technology is available, or could be available, to implement the standards established in the 2024 II&S Rule. The rule places emission limitations on (1) HAPs and (2) opacity limitations and work practice standards on UFIP sources. These limitations and work practice standards are not feasible to meet due to a lack of technology and flawed implementation of the rulemaking that shows a lack of understanding of the sources in question. Cliffs provided detailed comments explaining why EPA should decline to set new standards, or in the alternative, should set standards that were reasonable, less costly and more likely achievable by the industry. Nevertheless, the Biden EPA promulgated the final II&S Rule imposing onerous, unreasonable and extremely costly standards.

1. Technology to Implement the Hazardous Air Pollutant Emission Standards is Not Feasible

Cliffs has provided numerous technical reports and declarations[5] evidencing that new HAP limitations in the II&S Rule for the Cliffs' facilities listed above are unachievable and require development and installation of unproven control technologies and/or retrofitting that have never been installed domestically or internationally for these sources because the technologies are not available and have not been demonstrated in practice. The II&S Rule fails to consider that not only is this untested technology, but that the facilities also require time for development, trialing, design, procurement, fabrication, and testing to ensure the technology could even achieve its intended purpose. As one industry engineering expert notes: "Typical capital project delivery steps for a major emission control project of this scale typically require 2 – 3 years to implement. The research and development required to conceive of, test and validate a novel solution which does not exist today could easily add another 2-3 years to this typical implementation timeline, provided that a solution is identified."[6]

The affected sources and specific issues with the feasibility of HAP emission limit control technologies are summarized as follows:[7]

- **BOPFs:** Together, the five Cliffs' facilities have fifteen (15) BOPF furnaces, and there is no existing emission control system that can be added to a BOPF furnace that is known to address dioxin/furan, total hydrocarbons, or hydrogen chloride to meet the limits provided in the 2024 II&S Rule. Addressing HAPs for BOPF furnaces will require significant retrofit upgrades to the current systems, the extent of which will depend on whether there is dry electrostatic precipitator or wet scrubber technology already in place. These system upgrades are expected to be particularly challenging, given they will likely need to incorporate (or in the case of wet scrubbers, completely replace with) novel treatment technology such as a recirculating baghouse system with injected lime and/or carbon, which are not commercially available.

- **BF Casthouses:** Together, the five Cliffs' facilities have seven (7) BF casthouses, and there is no existing add-on emission control that is proven to meet the HAP limitations for hydrogen chloride or total hydrocarbons. Moving forward with the limits in the rulemaking

---

[5] *See* Comments of the American Iron and Steel Institute [including member Cliffs] and United States Steel Corporation on National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review; Proposed Rule, 88 Fed. Reg. 49,402 (July 31, 2023), submitted September 29, 2023 ("AISI Comments"), Docket No. EPA-HQ-OAR-2002-0083-1631; Cliffs' Petition for Reconsideration and Request for Administrative Stay ("Cliffs' Reconsideration Petition"), submitted June 3, 2024; Cliffs' Motion for Stay, filed June 28, 2024, in *Cleveland-Cliffs Inc. v. U.S. EPA*, Case No. 24-1170 (D.C. Cir.) ("Cliffs' Motion for Stay"; Cliffs' Reply in Support of Motion for Stay, filed September 19, 2024, in *Cleveland-Cliffs Inc. v. U.S. EPA*, Case No. 24-1170 (D.C. Cir.) ("Cliffs' Reply") and associated exhibits/attachments.

[6] Declaration of David Mysko, P.E. of Hatch Associates Consultants, Inc. (Sept. 17, 2024) (attached as Exhibit L to Cliffs' Reply). *See also* Declaration of Stephen Palmer, Cleveland-Cliffs Enterprise Director Engineering (June 13, 2024) (attached as Exhibit C to Cliff's Motion for Stay).

[7] Declaration of David Mysko, P.E. of Hatch Associates Consultants, Inc. (Sept. 17, 2024) (attached as Exhibit L to Cliffs' Reply); Declaration of Ryan Siats of Barr Engineering (June 18, 2024) (attached as Exhibit E to Cliff's Motion for Stay).

will require application of novel treatments such as carbon lime and/or bicarbonate injection systems, which are not commercially available.

- **BF Stoves:** Together, the five Cliffs' facilities have seven (7) clusters of BF stoves, and there is no existing add-on emission control that is proven to meet the HAP limitations for hydrogen chloride or total hydrocarbons. Moving forward with the limits in the rulemaking will require application of novel treatments such as carbon lime and/or bicarbonate injection systems that are not commercially available.

- **Sinter Recycling Plants**: One Cliffs' facility, Burns Harbor, has a sinter recycling plant with a wet scrubber. This plant would need to install a new sinter plant windbox emission control system paired with activated carbon injection ("ACI") to meet the new standards. A fatal flaw, however, is that use of ACI is not actually feasible as an add-on control because there is not sufficient residence time for contact with the carbon and absorbing material (in this case, mercury, dioxin/furan, and/or polycyclic aromatic hydrocarbons). The technology of ACI is primarily intended for use with recirculating baghouses and the effects when paired with a wet scrubber are unclear and may include negative consequences such as unintended localized emissions and significant carbon waste generation in the resulting sludge.

As noted above and in more detail with our numerous technical reports and declarations[8], the II&S Rule "will require development and installation of unproven control technologies that have never been installed domestically or internationally for these source categories."[9] Cliffs must evaluate, develop, trial, permit, design, procure, fabricate, and install novel technology and emission control systems. This industry specific technology which may or may not achieve the standards in the end needs to be developed for the first time.[10] EPA's erroneous assumptions about the transfer of control technology demonstrate a poor understanding of this industry sector and warrant time for thorough reconsideration. A Presidential exemption is important to achieve this extended timeline.

2. Technology to Implement UFIP Standards Is Not Feasible

For the UFIP sources, the opacity limitations and work practice standards are so fundamentally flawed that there is no existing technology capable of complying with the Rule. In order to meet the UFIP standards, experts have opined that "[s]ources unable to achieve compliance with the final standards may require the development and implementation of control equipment or control measures that has never been applied in the II&S industry."[11] Cliffs submitted

---

[8] *See* AISI Comments, Docket No. EPA-HQ-OAR-2002-0083-1631; Cliffs' Reconsideration Petition to EPA (June 3, 2024); Cliffs' Motion for Stay, Case No. 24-1170 (D.C. Cir.)(June 28, 2024); Cliffs' Reply in Support of Stay, Case No. 24-1170 (D.C. Cir.)(September 19, 2024), and associated exhibits/attachments.

[9] Declaration of David Mysko, P.E. of Hatch Associates Consultants, Inc. (Sept. 17, 2024) (attached as Exhibit I. to Cliffs' Reply).

[10] *See* Declaration of Stephen Palmer, Cleveland-Cliffs Enterprise Director Engineering (June 13, 2024) (attached as Exhibit C to Cliff's Motion for Stay).

[11] *See* Declaration of Mike Remsberg of Trinity Consultants (Sept. 17, 2024) (attached as Exhibit M to Cliffs' Reply).

data demonstrating that even the best performing sources are not able to continuously achieve the new limits. [12] In addition, new limits set by the Rule, even assuming technology existed, pose safety dangers in the facilities in direct conflict with the CAA's General Duty Clause in Section 112(r).

The affected sources and specific UFIP control feasibility issues are summarized as follows:

- **Unplanned Bleeder Valve Openings:** Bleeder valves are emergency release devices that relieve pressure from a BF to prevent explosions or other catastrophic events. EPA took the extraordinary step of attempting to set numeric limits on the unplanned opening of bleeder valves, pitting environmental compliance against worker health and safety, by discouraging valve opening, in direct conflict with the stated intent of Congress (H.R. 101-490, Part 1 (328)). However, technical data demonstrates that three of four MACT Floor (or "best performing") sources for large BFs cannot achieve this limitation and are therefore unachievable without adding control equipment.[13] Specifically, bleeder valves are intended to reduce the risk of catastrophic overpressure conditions in a BF. Not only are the limits unachievable, but experts have explained that the work practice standards "prescribes technologies that may not result in the reduction of valve openings or may be infeasible on certain BF units."[14] Moving forward with the limits in the rulemaking will require the application of control equipment which is not commercially available.

- **Planned Bleeder Valve Openings:** Not only are the standards unrepresentative of the data, but the calculation of the opacity standard for planned bleeder valve openings used a calculation method that did not adequately account for the underlying long-term operational variability. This incorrect calculation directly resulted in three of the five MACT Floor sources for Blast Furnaces being unable to achieve this limitation.[15] Moving forward with the limits in the rulemaking will require the application of control equipment which is not commercially available.

- **Iron Beaching:** Emissions generated by the transfer and pouring of hot molten iron (beaching) are not only de minimis in nature but were already adequately controlled by existing work practices that require flexibility in approach given the spacing and safety limitations based on different facility configurations. EPA's proposed technologies include "infeasible (and unsafe) enclosure of beaching operations and/or installation of CO2 suppression."[16] This is particularly the case where [t]he installation of enclosures would be infeasible at facilities with space limitations," such as four of the eight facilities with such limited space that the "retrofit construction of an enclosure [is] virtually impossible."

---

[12] *See* AISI Comments; Cliffs' Petition for Reconsideration; Cliffs' Motion for Stay; and Cliffs' Reply for detailed technical support regarding the fundamental flaws with the II&S Rule UFIP limits.
[13] *See* Declaration of Mike Remsberg of Trinity Consultants, p. 6-7 (June 18, 2024) (attached as Exhibit D to Cliffs' Motion for Stay.)
[14] *Id.* at 7.
[15] *Id.* at 7.
[16] *Id.*

- **Small and Large Bells**: Bells are part of the charging system on top of the BF that allows for materials to be loaded into the furnace or next bell (as in the case of small bells) without letting BF gas escape). Every furnace, and its corresponding bells are unique in "age, size, design, air flow, raw material usage, and production specification."[17] Additionally, "[e]very bell top campaign is unique, and both small and large bell replacements and repairs (depending on the repair required) are large capital projects that require indefinite lead times for equipment design, project planning (i.e., engineering, safety protocols, and logistical coordination) and corporate approval and funding authorizations for capital expenditures",[18] making the short timeframe for taking action in the II&S Rule technically infeasible.

- **Slag Processing, Handling and Storage**: New opacity limits for slag processing, handling, and storage operations relied on a dataset that did not represent all categories of operations ultimately regulated by the II&S Rule. The resulting limits are unachievable by the best performing sources and fail to adequately account for variability across the different types of processes that EPA attempted to capture with a single opacity limit. Further, the II&S Rule's restrictions on slag operations may require design controls (e.g., enclosures) that create unsafe operating conditions given slag can be highly reactive, especially in contained areas.[19] As discussed in the Declaration of Charles Ochola, President of the National Slag Association, "one of the direct results of using water to control emissions is the creation of pooled water. Standing water associated with emission controls, nature, or any source creates an extremely hazardous condition anywhere molten slag is managed. Pouring molten slag into the smallest puddle of water will create a reaction very similar to an explosion, putting operators and the community at risk for serious if not deadly injury … The use of emission controls that rely upon water are limited by the extreme hazard caused from adding molten slag, iron or steel to standing water."[20]

A Presidential exemption is warranted here, where safe and technically feasible control technology is not available to implement the standard.

3. Technology to Implement the II&S Rule Standards Is Not Cost Effective

Due to the II&S Rule's onerous implementation and compliance schedule for these standards, Cliffs is in an impossible position of designing and engineering novel systems with unproven technology within a short time frame. The cost of compliance is disproportionately high and the amount of work leading up to the compliance date is enormous.

Even EPA's March 12, 2025, Fact Sheet supporting reconsideration of multiple NESHAP rules including the II&S Rule grossly understated costs to comply, citing "[e]stimated costs of $45 million over the next decade (including $7.1 million in capital investment or $5.3 million

[17] *Id.* at p. VI-32.
[18] *Id.* at p. VI-35.
[19] Declaration of Mike Remsberg of Trinity Consultants, p. 8 (June 18, 2024) (attached as Exhibit D to Cliffs' Motion for Stay.)
[20] Declaration of Charles Ochola, President of the National Slag Association (May 31, 2024) (Attachment E to Cliffs' Reconsideration Petition).

annually)."[21] In reality, "[d]ue to the high variability of the process and raw materials, if all facilities required installation of new emission control equipment," industry "estimated initial costs to achieve compliance with the new gap filling HAP limits will be approximately $3.2 billion in capital investment and $749 million annually going forward."[22] For the Cliffs' Burns Harbor Sinter/Recycling Plant alone, the corrected average cost effectiveness for application of control technology "is more than $500,000 per *gram* of dioxin furan controlled, or $237.3 million per pound controlled. This is without considering prior industry comments regarding US EPA's underestimation of control costs, which would only serve to increase the cost per mass controlled."[23]

Similarly, industry estimates for UFIP removal placed annual costs at $290 million per year, with a cost-effectiveness rate of $819 million per ton of HAP removed.[24] For unplanned bleeder valve openings alone, the cost effectiveness rate is $1.3 million per ton of HAP removed (using corrected EPA data) or even potentially $10 million per ton of HAP removed (using industry data).[25] Further, EPA failed to correct erroneous HAP emissions, resulting in overstated HAP emissions and inflated benefits. Reductions in HAPs for bells is so small, at barely 100 pounds for 15 BFs, that there is no estimate that makes this cost-effective. Reductions in HAPs for beaching is likewise not meaningful given how infrequently beaching occurs and industry estimates ranging in reduction of only 5 to 20 pounds per year across all eight II&S facilities.

As noted above, EPA's own risk assessment showed that even without controls, emissions from the industry presented an acceptable level of risk with an ample margin of safety. As a result, any costs expended to meet these standards are unreasonable, and, by definition, not cost-effective.

C. IT IS IN THE NATIONAL SECURITY INTERESTS OF THE UNITED STATES TO PROVIDE AN EXEMPTION FROM THE II&S RULE COMPLIANCE DATES

The II&S Rule will have far-reaching consequences, given that the American iron and steel industry is the backbone of the nation's defense and transportation industries and is critical to national security. The U.S. Department of Commerce recognized that domestic steel production is essential for national security applications which it indicated encompasses transportation systems, the electric power grid, water systems, and energy generation systems in its report summarizing the findings of an investigation conducted by the Department of Commerce pursuant to Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. § 1862 ("Section 232")), into the effect of imports of steel mill products ("steel") on the national security of the United States.[26] In a 2021, Congressional Research Service Report on U.S. Steel Manufacturing:

---

[21] U.S. EPA, *National Emission Standards for Hazardous Air Pollutants (NESHAP), Powering the Great American Comeback Fact Sheet*, https://www.epa.gov/system/files/documents/2025-03/neshap_powering-the-great-american-comeback_fact-sheet_2.pdf

[22] AISI Comments, p. VII-60.

[23] Declaration of Ryan Siats of Barr Engineering (June 18, 2024) (attached as Exhibit E to Cliff's Motion for Stay).

[24] AISI Comments, p. VI-3.

[25] *Id.* at p. VI-29.

[26] *See* U.S. Department of Commerce Bureau of Industry and Security Office of Technology Evaluation, *The Effect of Imports of Steel on the National Security Report, Report by the January 11, 2018*, https://www.commerce.gov/sites/default/files/the_effect_of_imports_of_steel_on_the_national_security_-_with_redactions_-_20180111.pdf

National Security and Tariffs, it was noted that under the Defense Production Act, 50 U.S.C. §4533, "Congress provides the President with a broad set of authorities …, including Title III, which authorizes the use of economic incentives to secure domestic industrial capabilities essential to meet national defense and homeland security needs. DOD has funded several Title III projects to increase domestic production of steel products," including a $56 million agreement in 2020 to boost steel plate production signed by the predecessor owner of a Cliffs' facility.[27]

The II&S Rule, if implemented, would both increase the cost of producing steel and the products derived therefrom. This would have a negative impact on multiple other industries and activities, harming the national security interests of the United States. Ensuring the strength and global competitiveness of this industry is of vital importance to the nation's economy, security, and manufacturing prowess. Supporting this is the fact the industry provides more than **$520 billion** in economic output, nearly **two million jobs,** more than **$130 billion in wages and benefits** to employees, and **$56 billion in federal, state and local taxes**. Cliffs alone employs approximately 27,000 people, most of whom are members of unions such as the United Steelworkers and the International Association of Machinists and Aerospace workers.

The American iron and steel industry is already among the most regulated and cleanest steel industries in the world. Rulemaking must take into consideration the necessary role that the domestic integrated iron and steel industry plays in our country. Members of Congress have already expressed their concern on this rulemaking. Eight current or former U.S. Senators (Senators Brown, Vance, Braun, Manchin, Casey, Klobuchar, Capito and Young) wrote a letter to EPA warning the Agency that its three proposed rules aimed at the steel industry – impacting taconite iron ore processing, coke manufacturing, and integrated iron and steelmaking – "would dramatically undermine the domestic steel industry and national security while driving production overseas …."[28] Similarly, Congressmen Crawford and Mrvan, Chair and Vice-Chair of the Congressional Steel Caucus, respectively, wrote a letter to then EPA Administrator Regan, expressing their concerns over the proposed rulemakings targeting the steel industry, concluding that the rulemakings, including the II&S Rule, would threaten advancements already made by the industry into environmental initiatives while "pos[ing] a threat to the competitiveness of steel producers and tens of thousands of good-paying union jobs."[29]

The II&S Rule could further "diminish the ability of the American steel industry to meet the demands of our economy" which may lead to those demands being met by "foreign made and illegal subsidized steel entities that do not meet our current environmental, labor, and accountability standards." These fears ring true, as the U.S. Department of Commerce has already found excessive quantities of imports displacing domestic steel – steel that is not produced as clean as in the United States. Such a result is counterintuitive to the purpose of the CAA and threatens the nation's domestic steelmaking supply chain. The Congressmen conclude in their letter by "strongly

[27] Congressional Research Service Report, *U.S. Steel Manufacturing: National Security and Tariffs* (August 12, 2021), https://www.congress.gov/crs-product/IF11847.
[28] Letter from U.S. Senators Brown, Vance, Braun, Manchin, Casey, Klobuchar, Capito, and Young to Michael Regan, EPA Administrator (Dec. 6, 2023), pp. 1-2.
[29] Letter from Congressmen Crawford and Mrvan, Chair and Vice-Chair of the Congressional Steel Caucus, to Michael Regan, EPA Administrator (Dec. 18, 2023).

encourage[ing]" EPA to communicate with "industry experts and other stakeholders" and ensure that the final rulemakings are "technically feasible, financially reasonable, and continue to protect the livelihoods, health, and safety of workers and steel-producing communities throughout our nation." That is exactly what this Administration is doing by providing outreach in the form of a Presidential Exemption, and we ask that you consider this request on its merits.

The threat of global steel imports raised by the Senators in the letters to EPA is a material threat. Foreign steel imports risk the competitiveness and advancement of the domestic steel industry, to the point of potentially threatening U.S. domestic production capacity and continued investment in taconite iron mining, coke manufacturing, and iron and steelmaking capacity based on the costs outlined above. As emphasized by the U.S. Department of the Treasury's Committee on Foreign Investment in the United States ("CFIUS"), without such domestic steelmaking investment, there could be ripple effects on the supply chains that depend on such steel, particularly supply chains that are part of our national defense infrastructure such as "critical manufacturing, energy, transportation, and communications (all vital to national security)."[30] National defense infrastructure, for example, needs ready access to high purity steel from blast furnaces.[31] Once these complicated iron and steel making operations are shut down and/or idled, it is no simple matter to restart them. In short: "The loss of domestic production is a critical national security concern given the ubiquitous nature of steel throughout multiple critical industries."[32]

For all the reasons stated above, Cliffs urges the issuance of a two-year exemption from the compliance deadlines in the final II&S Rule, pending EPA's review of the rule for possible revision. If you have questions or need additional information, please contact Walter Tamukong at 216-694-4862 or at walter.tamukong@clevelandcliffs.com.

Respectfully submitted,

Traci L. Forrester
Executive Vice President, Environmental & Sustainability
Cleveland-Cliffs Inc.

cc: Peter Tsirigotis, U.S. EPA OAQPS Director, tsirigotis.peter@epa.gov
Penny Lassiter, U.S. EPA OAQPS Director of Sector Policies and Programs Division
lassiter.penny@epa.gov

[30] Letter from Andrew Fair, Acting Assistant Secretary for Investment Security, U.S. Department of the Treasury, to Ama Adams, Ropes & Gray LLP, and Mark Plotkin, Covington & Burling LLP, Re: CFIUS Case 24-154 (Dec. 14, 2024) ("CFIUS Letter"), p. 28.
[31] *Id.* at p. 24.
[32] *Id.* at p. 28.

1104059958