

reconsideration of the HON Rule.⁹ But, in addition to the constraints in designing, procuring, permitting, and installing control technology discussed by ACC and AFPM and illustrated by our individual VI members, facilities will be doing so under significant uncertainty as to the outcome of the Agency's reconsideration.

As we have argued to EPA, reconsideration of the D/F standard likely will lead to an increased limit as the Agency contemplates a larger data set than it artificially and improperly constrained during the rulemaking. Moreover, VI believes that there may be more facilities subject to the D/F limit than EPA contemplated further magnifying the logistical and practical constraints related by our members.

Similar considerations apply to the HON Rule's requirement that pressure vessels be "designed to operate with no detectable emissions at all times."¹⁰ As explained in our attached letter, this requirement effectively imposes an impossible requirement because any leak from a pressure vessel above a de minimis amount is treated as a willful or intentional act warranting a violation. Our members are not aware of any pressure vessels guaranteed to never leak or need repairs. Suitable strategies to address this requirement may require the installation of emergency pressure vessels although it is not clear that existing facilities have the space or ability to construct such options.

Ultimately, we defer to our members' explanation of the practical and technical impediments they face in complying with this rule. There might be less of an issue if the Agency could stay the rule pending reconsideration, however, Section 307(d)(7)(B) of the Clean Air Act only allows EPA to stay the effectiveness of a MACT rule for up to three months during a proceeding for reconsideration.¹¹ In short, technology to comply with the HON rule is not available as our members and other affected industries face both technological and logistical impediments to compliance. Given the Act's restrictions on stays, an exemption by President Trump is the only avenue available to resolve this dilemma.

II. Granting an Exemption to VI Members is Not Only in the National Security Interest of the United States but Advances the President's Economic Agenda

The VI agrees with its members, ACC, and AFPM that the HON Rule, particularly one fraught with uncertainty as it undergoes reconsideration, will have significant adverse impacts on

⁹ See Env't Prot. Agency, *Trump EPA Announces Reconsideration of Air Rules Regulating American Energy, Manufacturing, Chemical Sectors (NESHAPs)* (Mar. 12, 2025), available at <https://www.epa.gov/newsreleases/trump-epa-announces-reconsideration-air-rules-regulating-american-energy-manufacturing>.

¹⁰ 40 C.F.R. § 63.119(a)(7)(i).

¹¹ 42 U.S.C. § 7607(d)(7)(B). See e.g., *Clean Air Council v. Pruitt*, 862 F.3d 1, 9 (D.C. Cir. 2017). Prohibitively long reconsiderations are not speculative. The VI was granted reconsideration of the PVC MACT in 2012, and that process has yet to be finalized. See Proposed rule: *National Emission Standards for Hazardous Air Pollutants: Polyvinyl Chloride and Copolymers Production Reconsideration*, 85 Fed. Reg. 71,490 (November 09, 2020).