

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