

The Biden EPA was made aware of these constraints, could have issued a rule with longer timelines for compliance of up to three years with a possible one-year extension (i.e., up to four years), but refused to do so, forcing industry to take the unprecedented action of seeking a Presidential exemption from compliance. BASF's request for a two-year extension would be consistent with the EPA's approach to undertaking NESIAP CAA rulemakings of this magnitude under 112(d).

National Security Interests of the United States

It is also in the national security interests of the United States to grant the exemption. Ethylene Oxide, which BASF manufactures and uses in its production processes, is a vital input for countless processes ranging from sterilized medical equipment, semiconductor production, energy production, and other important product streams. Potential interruption upstream in the supply chain due to an unrealistic compliance obligation timeline and higher costs could increase U.S. dependence on foreign producers of these critical downstream products.

Finally, national security includes more than military defense applications and infrastructure, but also economic security. This perspective has been acknowledged by the President in Executive Orders and key security agencies like the Department of Defense. For example, the White House stated regarding domestic priorities, "economic security is national security."² The aforementioned challenges are the very issues that the President's Executive Order *Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative* (February 19, 2025) and *Declaring a National Energy Emergency* (January 20, 2025) seek to address.

Conclusion

BASF believes that the Administration has already been provided with sufficient information (including prior comments and the underlying petition for reconsideration on the HON rule) to support an exemption covering BASF Corporation's affected facilities. As additional support on this point, we reference BASF's October 14, 2024 Request for Extension to EPA, which was denied by the agency; the separate joint coalition submission sent to EPA from the associations the American Chemistry Council (ACC) and the American Fuel & Petrochemicals Manufacturers (AFPM) and the Petition for Reconsideration of the HON filed by ACC and AFPM.

BASF regards protection of health, safety and the environment as our most important responsibility. We care about our employees and local communities and operate our facilities in a safe and environmentally responsible manner. We support EPA's reconsideration of the HON rule and request a two-year compliance extension pursuant to Section 112(i)(4).

² <https://www.whitehouse.gov/presidential-actions/2025/02/america-first-investment-policy/>.