

United States Senate

WASHINGTON, DC 20510

December 6, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan:

We write to you today regarding the U.S. Environmental Protection Agency's (EPA) three proposed rules related to steel manufacturing and related supply chains. We have serious concerns with these proposed rules because they 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. Reducing the emission of harmful air pollutants should be done based upon sound science and with proven technology that is both technically and economically feasible. The irony is that the United States' steel industry is world's cleanest major producer of steel¹. American steel manufacturers take seriously their commitment to protecting the environment; however, rules that drive production overseas are bad for our economy, bad for national security, and bad for the environment.

These rules:

1) National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities (EPA-HQ-EPA-OAR-2002-0083), 2) National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries. (EPA-HQ-OAR-2002-0085 and EPA-HQ-OAR-2003-0051), and 3) National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Amendments (EPA-HQ-OAR-2017-0664), if finalized as proposed, would require billions of dollars in capital investments and increased annual operating costs for the U.S. steel industry.

We support reducing harmful air pollution. We also support rules that are durable, realistic, and based upon proven technology and reflect a consensus view among stakeholders on how to best improve public health while protecting good paying jobs and supporting industries essential to our national and economic security. These rules fail to meet those standards.

As you move forward with these rulemakings, we urge you to take an inclusive approach – working directly with major stakeholders in developing technically-sound final rules that achieve further emissions reductions while not harming the competitiveness of our American steel companies. Written properly, regulations can help American steel manufacturers lead the world in clean steel production. Poorly written rules undermine domestic manufacturing and promote reliance upon inputs made by foreign manufacturers – manufacturers that pollute more than their American counterparts. Regulations that cost

¹ "Steel Climate Impact - An International Benchmarking of Energy and CO₂ Intensities." Found at: <https://www.bluegreenalliance.org/wp-content/uploads/2022/04/Steelclimateimpact-benchmarkingreport7April2022.pdf>

American jobs, undermine national security, and are likely to result in no net reduction in emissions globally must be rejected.

Sincerely,



Sherrod Brown
United States Senator



J.D. Vance
United States Senator



Mike Braun
United States Senator



Joe Manchin
United States Senator



Robert P. Casey, Jr.
United States Senator



Amy Klobuchar
United States Senator



Shelley Moore Capito
United States Senator



Todd Young
United States Senator

Congress of the United States
House of Representatives
Washington, DC 20515

December 18, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Regan:

As Chairman and Vice Chairman of the Congressional Steel Caucus, we write to express our concerns regarding the proposed rules below from the U.S. Environmental Protection Agency (EPA):

- National Emission Standards for Hazardous Air Pollutants: National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Amendments (EPA-HQ-OAR-2017-0664)
- Integrated Iron and Steel Manufacturing Facilities (EPA-HQ-EPA-OAR-2002-0083)
- National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries (EPA-HQ-OAR-2002-0085 and EPA-HQ-OAR-2003-0051).

The American steel industry and its manufacturing workforce produces the world's cleanest steel, made possible by years of substantial investments into climate initiatives. According to the American Iron and Steel Institute, the steel industry has reduced its energy intensity per ton of production by 35 percent and carbon dioxide emissions intensity by 37 percent in the past three decades. We also would highlight that these efforts will continue to be augmented by research and technology investments being made under current law.

We are grateful for your efforts to assist in the implementation of these laws and want to ensure that the proposed rules do not hinder the ability of the American steel industry to make robust investments into these important environmental initiatives.

Industry leaders have shared with us that these rules, as drafted, pose a threat to the competitiveness of steel producers and tens of thousands of good-paying union jobs. Our understanding is that these rules do not consider current technology capabilities and economic feasibility and may jeopardize the industry's ability to meet other environmental initiatives and health requirements for workers. We also are concerned that any action to diminish the ability of the American steel industry to meet the demands of our economy will be manufactured by

foreign-made and illegally subsidized steel entities that do not meet our current environmental, labor, and accountability standards.

As you move forward, we would strongly encourage you to more openly communicate with steel industry experts and other stakeholders to ensure that proposed requirements are based on proven technology and robust scientific data. It is essential to ensure that proposed rules are technically feasible, financially reasonable, and continue protecting the livelihoods, health, and safety of workers and steel-producing communities throughout our nation.

Sincerely,



Eric A. "Rick" Crawford
Member of Congress
Chair, Congressional Steel Caucus



Frank Mrvan
Member of Congress
Vice-Chair, Congressional Steel Caucus



DECEMBER 6, 2023

BROWN LEADS BIPARTISAN CALL FOR EPA TO REJECT THE PROPOSED REGULATIONS THAT WOULD HURT OHIO STEELWORKERS AND MANUFACTURERS

As Proposed, Three EPA Rules Would Undermine America's National Security, Jeopardize the American Steel Industry, and Ship Jobs Overseas

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WASHINGTON, D.C. – Today, U.S. Senator Sherrod Brown (D-OH) led a bipartisan group of colleagues in calling on the Environmental Protection Agency (EPA) to reject three proposed EPA rules that would dramatically undermine America's steel industry, hurt Ohio steel manufacturers and steelworkers, and ship Ohio steel jobs overseas. In a letter to EPA Administrator Michael Regan, Brown and colleagues call on EPA to reject the proposed regulations as currently written in the interest of American national and economic security and work with labor and industry to overhaul them in a way that protects American steelworkers.

U.S. Senators J.D. Vance (R-OH), Mike Braun (R-IN), Joe Manchin (D-WV), Bob Casey (D-PA), Amy Klobuchar (D-MN), Shelley Moore Capito (R-WV), and Todd Young (R-IN) joined Brown in sending the letter to EPA.

"We have serious concerns with these proposed rules because they 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," wrote the senators.

In the letter, the senators write that the United States is the cleanest major steel producer in the world and that the proposed rules would force American steel production to move overseas to countries with lower pollution standards. The senators specifically wrote about three proposed rules related to steel manufacturing and production:

0. National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities (EPA-HQ-EPA-OAR-2002-0083),
1. National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries. (EPA-HQ-OAR-2002-0085 and EPA-HQ-OAR-2003-0051), and
2. National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Amendments (EPA-HQ-OAR-2017-0664).

"The USW has a long history in fighting to reduce hazardous air pollution in our atmosphere. It is a responsibility we do not take lightly. The USW and our represented Employers have worked together to make the US Steel Industry the cleanest in the world. The EPA's proposed amendments to the National Emission Standards for Hazardous Air Pollutants presents significant challenges to an already heavily regulated Steel Industry," said Donnie Blatt, Director of United Steel Workers District 1. **"The proposed amendments would result in significant costs and jeopardize good paying jobs in local economies throughout the U.S. The EPA should further consider revising these amendments responsibly to allow US Steel Companies to compete globally and still achieve their desired goals."**

"Cleveland-Cliffs has a positive track record of investing over \$1 billion to advance steel decarbonization and meaningfully reduce our environmental impact. However, these EPA proposed rules are not technically feasible or scientifically justified," said Lourenco Goncalves, Chairman, President, and CEO of Cleveland-Cliffs Inc. **"If promulgated, the regulations would put at risk good-paying, middle class union jobs in the steel industry. We are grateful to Senator Brown for leading this U.S. Senate letter to EPA raising serious concerns about the proposed rules. With his actions, Senator Brown is putting Ohio workers and employers first."**

Read the letter [HERE](#) or below:

Dear Administrator Regan:

We write to you today regarding the U.S. Environmental Protection Agency's (EPA) three proposed rules related to steel manufacturing and related supply chains. We have serious concerns with these proposed rules because they 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. Reducing the emission of harmful air pollutants should be done based upon sound science and with proven technology that is both technically and economically feasible. The irony is that the United States' steel industry is world's cleanest major producer of steel. American steel manufacturers take seriously their commitment to protecting the environment; however, rules that drive production overseas are bad

for our economy, bad for national security, and bad for the environment.

These rules:

1) National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities (EPA-HQ-EPA-OAR-2002-0083), 2) National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries. (EPA-HQ-OAR-2002-0085 and EPA-HQ-OAR-2003-0051), and 3) National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Amendments (EPA-HQ-OAR-2017-0664), if finalized as proposed, would require billions of dollars in capital investments and increased annual operating costs for the U.S. steel industry.

We support reducing harmful air pollution. We also support rules that are durable, realistic, and based upon proven technology and reflect a consensus view among stakeholders on how to best improve public health while protecting good paying jobs and supporting industries essential to our national and economic security. These rules fail to meet those standards.

As you move forward with these rulemakings, we urge you to take an inclusive approach – working directly with major stakeholders in developing technically-sound final rules that achieve further emissions reductions while not harming the competitiveness of our American steel companies. Written properly, regulations can help American steel manufacturers lead the world in clean steel production. Poorly written rules undermine domestic manufacturing and promote reliance upon inputs made by foreign manufacturers – manufacturers that pollute more than their American counterparts. Regulations that cost American jobs, undermine national security, and are likely to result in no net reduction in emissions globally must be rejected.

Sincerely,

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DECEMBER 12, 2023

ICYMI: BROWN LEADS PUSH FOR EPA TO REJECT PROPOSED REGULATIONS THAT WOULD HURT OHIO STEELWORKERS AND MANUFACTURERS

Brown Leads Bipartisan Group of Colleagues to Protect America's Steel Industry, National Security, and Ohio Jobs

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WASHINGTON, D.C. – In Case You Missed It: Last week, U.S. Senator Sherrod Brown (D-OH) led a bipartisan group of colleagues in calling on the Environmental Protection Agency (EPA) to reject three proposed EPA rules that would dramatically undermine America's steel industry, hurt Ohio steel manufacturers and steelworkers, and ship Ohio steel jobs overseas. In a letter to EPA Administrator Michael Regan, [Brown and colleagues call on EPA to reject the proposed regulations as currently written](#) in the interest of American national and economic security and work with labor and industry to overhaul them in a way that protects American steelworkers.

U.S. Senators J.D. Vance (R-OH), Mike Braun (R-IN), Joe Manchin (D-WV), Bob Casey (D-PA), Amy Klobuchar (D-MN), Shelley Moore Capito (R-WV), and Todd Young (R-IN) joined Brown in sending the letter to EPA, and steel industry and union leaders are supporting Brown's efforts.

Read the coverage:

Cleveland.com: [Ohio's U.S. Senators and Cleveland Cliffs oppose proposed EPA steel emission rules](#)

- "We support reducing harmful air pollution," said the letter spearheaded by Cleveland Democrat Sherrod Brown. "We also support rules that are durable, realistic, and based upon proven technology and reflect a consensus view among stakeholders on how to best improve public health while protecting good paying jobs and supporting industries essential to our national and economic security. These rules fail to meet those standards."
- "The letter from Brown, Cincinnati Republican JD Vance, Indiana Republicans Mike Braun and Todd Young, West Virginia Democrat Joe Manchin, West Virginia Republican Shelley Moore Capito, Pennsylvania Democrat Bob Casey and Minnesota Democrat Amy Klobuchar urges EPA to work with organized labor and industry to overhaul the proposed rules."
- "Brown...on Wednesday told reporters that there's no stronger advocate for the environment in Ohio than he is, but that if Americans don't make steel, it will end up being made in countries that don't care about environmental protection."
- "Cleveland Cliffs executive vice president Traci Forrester said EPA's proposals 'stand to affect every major component of the integrated iron and steel production process,' and would 'in some instances, mandate emission controls that have never been proven in the steel sector anywhere globally.' She said they'd burden the industry with billions in extra costs with no meaningful risk reduction to the public or the environment, and that they fail to take into account that the domestic steel industry is working with the Biden administration 'on major decarbonization efforts, which will be threatened if these rules are implemented as proposed.'"
- "Donnie Blatt, director of United Steel Workers District 1, said EPA's proposed regulations would 'result in significant costs and jeopardize good paying jobs in local economies throughout the U.S. 'The EPA should further consider revising these amendments responsibly to allow US Steel Companies to compete globally and still achieve their desired goals,' Blatt continued."

The Bryan Times: [Brown asking EPA to reconsider proposed rules](#)

- "U.S. Sen. Sherrod Brown, D-Ohio, is heading a bipartisan effort to convince the U.S. Environmental Protection Agency to reconsider three rules he says will damage Ohio's steel industry. While Brown says 'there's no stronger advocate for the environment in Ohio' than him, he also says the U.S. steel industry is already among the cleanest in the world and will be negatively impacted, including sending jobs overseas, by the rules."
- "The three rules being proposed by the EPA deal with air emissions of hazardous air pollutants, but opponents of the rules say they don't do anything to make the public or environment safer and that the EPA has said current regulations are safe."
- "'(The) EPA has determined that the existing EPA standards regulating the integrated steel industry do not pose a risk to public health or the environment,' said Lourenco Goncalves, chairman, president and CEO of Cleveland-Cliffs Inc., a major steel maker based in Cleveland but with operations in Toledo and elsewhere. 'The steel industry in the United States is the cleanest of any major steel industry in the world, and we are focused on investing to further reduce our environmental impact,' Goncalves added."
- "Donnie Blatt, director of United Steel Workers (USW) District 1, added the EPA estimates the cost of instituting the new regulations at

\$39 million for the U.S. steel industry, but the industry itself estimates the cost could reach \$1 billion. 'That cost is a huge difference and could mean the closure of USW representative facilities and the loss of those family sustaining jobs,' Blatt said."

9, WTOV (Steubenville): [Bipartisan senators unite in opposition to EPA regulations impacting steelworkers](#)

- "US. Sen. Sherrod Brown and several colleagues from both sides of the aisle wrote a letter last week to the EPA in opposition to three proposed regulations against steelworkers. Browns says they hurt the U.S. economy and security."
- "Senators JD Vance as well as West Virginia Senators Shelley Moore Capito and Manchin also supported the effort led by Brown."

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Steel industry gains bipartisan support for emissions viewpoint

Group of eight United States senators ask the U.S. EPA to reconsider three proposed emissions rules targeting the steel industry.



A group of U.S. senators is asking the EPA administrator to reject three current proposals and instead work with stakeholders to develop “technically-sound final rules that achieve further emissions reductions while not harming the competitiveness of our American steel companies.”
Photo courtesy of United States Steel Corp.

BRIAN TAYLOR | DECEMBER 11, 2023

Eight U.S. senators, four each from the Republican and Democratic parties, have sent a letter to the administrator of the U.S. Environmental Protection Agency (EPA) asking it to reconsider

The bipartisan group includes two senators from Indiana, Ohio and West Virginia and one each from Minnesota and Pennsylvania. A statement from Sen. Sherrod Brown of Ohio says the three proposed EPA rules “would dramatically undermine America’s steel industry, hurt Ohio steel manufacturers and steelworkers, and ship Ohio steel jobs overseas.”

Brown was one of the eight who co-signed the letter to EPA Administrator Michael Regan urging him to reject the proposed regulations as currently written, saying they are not in the interest of American national and economic security. Instead, Brown says, Regan and the EPA should “work with labor and industry to overhaul them in a way that protects American steelworkers.”

The three proposed rules all are directed largely toward the blast furnace/basic oxygen furnace sector. They are: the National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities; National Emission Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks, and Coke Oven Batteries; and National Emission Standards for Hazardous Air Pollutants: Taconite Iron Ore Processing Amendments.



A representative from the United Steelworkers (USW) and the CEO of mining and steelmaking firm Cleveland-Cliffs also have made statements siding with the eight senators.

“Cleveland-Cliffs has a positive track record of investing over \$1 billion

to advance steel decarbonization and meaningfully reduce our environmental impact,” Cleveland-Cliffs President and CEO

“The USW has a long history in fighting to reduce hazardous air pollution in our atmosphere; it is a responsibility we do not take lightly,” adds Donnie Blatt, director of USW District 1, based in Columbus, Ohio.

“The USW and our represented employers have worked together to make the U.S. steel industry the cleanest in the world. The proposed amendments would result in significant costs and jeopardize good paying jobs in local economies throughout the U.S. The EPA should further consider revising these amendments responsibly to allow U.S. steel companies to compete globally and still achieve their desired goals.”

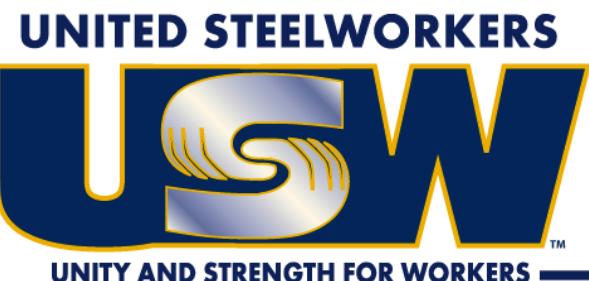
In the letter, the eight senators say the proposed regulations risk undermining the domestic steel industry and national security while driving production overseas, likely resulting in no net reduction in emissions from the steel industry globally.

“We support reducing harmful air pollution,” the letter reads. “We also support rules that are durable, realistic and based upon proven technology and reflect a consensus view among stakeholders on how to best improve public health while protecting good paying jobs and supporting industries essential to our national and economic security. These rules fail to meet those standards.”

According to the senators, working with stakeholders could result in “technically-sound final rules that achieve further emissions reductions while not harming the competitiveness of our American steel companies.”

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September 29, 2023

Filed Electronically: regulations.gov

RIN 2060-AV82 / Docket ID: EPA-HQ-OAR-2002-0083

Administrator Michael Regan
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, D.C. 20460

RE: United Steelworkers comments on Environmental Protection Agency's Proposed Rule on "National Emission Standards for Hazardous Air Pollutants: Integrated Iron and Steel Manufacturing Facilities Technology Review" (EPA-HQ-OAR-2002-0083).

Dear Administrator Regan,

These comments are submitted on behalf of the members of the United Steelworkers (USW) union. We appreciate the opportunity to comment on the Environmental Protection Agency's (EPA) proposed amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Integrated Iron and Steel Manufacturing Facilities.

Our union is the largest union in the steel sector, representing the majority of organized workers in the steel industry from iron ore mining all the way through finishing steel products. USW members are the workers impacted by these proposed amendments at integrated iron and steel facilities. Our union has a long history of fighting to reduce pollution and improve health for the workers inside our facilities and surrounding communities. For example, we were engaged in the passage of the Clean Air Act (CAA) around the time of our union's first environmental conference in the late 1960s. Without question, reasonable and achievable regulation is critical to ensuring that the industry as a whole reduces pollution.

Steel has long formed the backbone of our manufacturing economy and is an essential material for our infrastructure, clean energy, auto sector, and many other products. The integrated domestic steel industry is strong, but also must compete on a global market with competitors who do not engage in fair trade or adhere to strong environmental standards.

The steel industry in the United States is rapidly working to invest in facilities to ensure that they reduce greenhouse gas and other emissions at the urging of our union, the Biden administration, and other key stakeholders. Facilities are investigating installing carbon capture technology, utilizing clean hydrogen, and other efficiency improvements. These facilities are also impacted by other rulemakings completed this year and in process by the EPA Office of Air and Radiation, including the 2023 proposed Taconite Risk and Technology Review, and the 2023 proposed Coke Ovens and Pushing, Quenching, and Battery Stacks Risk and Technology review. As EPA promulgates rules impacting this industry, it must balance the need to ensure we have the cleanest steel industry in the world and that it continues to provide good jobs in the American economy.

The proposed rule reminds the public that, “For major sources, CAA section 112(d)(2) provides that the technology-based NESHAP must reflect the maximum degree of emission reductions of HAP achievable (**after considering cost, energy requirements, and non-air quality health and environmental impacts**).” [Emphasis added]. Our union has overarching concerns that the proposed amendments are not achievable, when considering these factors.

EPA must consider additional data in setting limits

Although EPA collected data in 2022 from the eight impacted facilities, we urge EPA to compile and consider additional data before finalizing these amendments. The limited data collection did not reflect the full range of variability due to seasonal effects and variable operating scenarios. While much of the industry meets the proposed limits at times, the variability may require investment in controls that are currently excluded from the cost estimates in the rules. EPA must consider additional data and revise the proposed limits to adjust them upwards, as appropriate to account for variability, or eliminate the proposed limit where test results were below detectable levels.

EPA must review whether the proposed emission reductions are technologically feasible.

Recognizing that EPA is required to issue a revised final rule in October, per court order, the prior mandatory review was finalized only three years ago in July 2020. While the 2020 review found that there were no developments in practices, processes, and control technologies that warrant revisions to the standard, we question whether there have been significant enough technological advances or updates over the last three years to reasonably achieve the required reductions proposed in these amendments.

For example, to achieve EPA’s proposed reduction in fugitive HAP emissions, a steel company may have to construct a total enclosure around portions of a facility. While this would limit emissions outside of the facility, it would put USW members working inside

the facility at increased risk. This tradeoff is unacceptable to our union and, in our minds, would render the proposed requirement infeasible.

USW recommends that EPA review the technology assessment and newly required work practices using additional data from industry experts and impacted companies to determine if the proposed amendments are feasible.

EPA must revise cost estimates

The proposed reduction requirements and work practice changes will come at significant cost to the industry. Although EPA estimates the cost at \$39 million, estimates from USW employers covered by the rule exceed \$1 billion. The difference in cost for compliance is a wide gulf that could mean closure for facilities and loss of USW-represented jobs. EPA must ensure that the costs for compliance with proposed amendments are feasible for the industry.

EPA should extend compliance dates

Finally, our union is concerned that EPA breaks from common past practice of providing a three-year timeline for a Maximum Achievable Control Technology (MACT). Instead, EPA proposes a maximum of one year for facilities to comply with these more stringent standards. While compliance under some of the proposed amendments may be relatively short, others may take significant engineering analysis and construction with multiple facilities seeking to source technology and expertise from a limited set of providers. We strongly urge EPA to extend the compliance date well beyond late 2024 due to the sweeping elements of this proposal that will require engineering analysis, construction, and work practice changes.

Again, we thank you for the opportunity to comment on this important regulation. USW members work in the covered facilities and live in the surrounding communities. They want to be protected from hazardous pollution and also want to ensure that integrated iron and steelmaking continues to provide economic benefits locally. Our union is confident that EPA can strike that balance by further revising the proposed amendments. Our union looks forward to continued work with EPA.

Sincerely,

Anna Fendley

Director of Regulatory and State Policy