Congress of the United States
Washington, DC 20515

April 30, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

We are writing to encourage you to use the best available, peer-reviewed science in the amendments proposed by the Environmental Protection Agency's (EPA) November 23, 2011, proposed rule entitled "National Emissions Standards for Hazardous Air Pollutants: Ferroalloys Production" (76 FR 72508.) This proposed rule would supplement existing regulations and require ferroalloys production facilities to install additional costly emissions control equipment. The President has directed federal agencies in Executive Order 13563 to base regulations on the best available science, and to employ the least burdensome tools for achieving regulatory ends.

Manganese ferroalloys are a critical ingredient of steelmaking and are important to national interests. A Department of Commerce investigation found that ferroalloy production is critical to national defense. Final promulgation of the NESHAP standards proposed last November could likely result in the closure of the last two manganese ferroalloy plants in the United States with no commensurate public health benefit. Plant closures will impact over 450 high wage manufacturing jobs, mostly among members of the United Steel Workers Union, with dramatic negative impacts on the struggling communities of Marietta, Ohio and Letart, West Virginia.

We have been informed that the scientific justification for the proposed rule is outdated and may not be supported by real world data, and that the standards may not be achievable in practice by real-world facilities. In establishing the proposed standards, EPA relies upon a science assessment issued in 1993, neglecting recent peer-reviewed scientific information. To achieve the proposed standards, EPA's proposal assumes that the affected facilities would install technologies that may not be appropriate or effective as applied to ferroalloys production facilities.

Given the importance of relying upon the best available science to protect the public health, jobs and the economy, we strongly urge the EPA to take the following steps before promulgating a final rule:

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1. Ensure that any determinations or standards developed by EPA to address residual risk are based on the best available scientific and technical information.
2. Work with stakeholders, including the two remaining domestic manganese ferroalloy producers, to identify feasible technologies to achieve protections in a way that also protects jobs and the economy.

We encourage EPA to consider seeking an extension of the court-imposed deadline for issuing the final rule, in order to give adequate attention to our requests.

Sincerely,

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