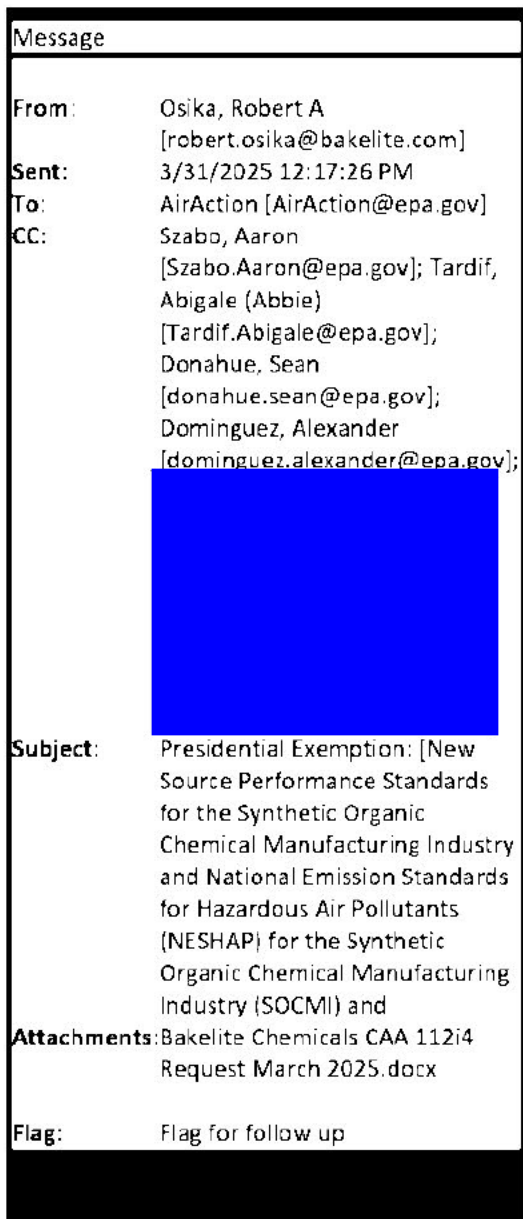




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March 28, 2025

Via electronic mail to airaction@epa.gov

U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

RE: Presidential Exemption: [New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and Group I & II Polymers and Resins Industry]: [Bakelite Synthetics (@ Riegelwood, NC; Conway, NC; Crossett, AR; Louisville, KY; Lufkin, TX; and Taylorsville, MS)]

To Whom It May Concern,

Bakelite Synthetics requests an exemption from the compliance obligations of the New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for

Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and Group I & II Polymers and Resins Industry (collectively referred to as the HON Rule).^[1] For the reasons highlighted in this letter, we believe it is necessary and appropriate for the President to grant an exemption under Clean Air Act (CAA) Section 112(i)(4) for sources regulated by the final rule either on an individual basis or collectively. If done collectively, we request that EPA include our regulated facilities under that collective action.

We urge the Administration to swiftly consider and issue such an action based on an understanding that both: 1) “availability” for the purposes of this section refers not only to the existence of technology capable of achieving compliance with the rule, but encompasses practical challenges with the timeframes necessary to plan, procure, and install required technologies and such activity cannot occur within the current compliance timeframe; and 2) national security encompasses not only military defense applications and infrastructure, but also economic security, a perspective that has been acknowledged by the President in Executive Orders and key security agencies like the Department of Defense. Indeed, as the White House has stated regarding domestic priorities, “economic security is national security.”^[2] As additional support on this point, we reference the separate joint coalition submission sent to EPA from the American Chemistry Council (ACC) and the American Fuel & Petrochemicals Manufacturers (AFPM) associations detailing the critical nature of our products as a building block to several supply chains throughout domestic manufacturing, and the potential risks to our nation’s national security interests if continued production is jeopardized.

We believe 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 all regulated facilities or on a facility-specific basis. This letter provides additional detail and support on the time-critical nature of the request for relief and to address EPA’s request for information. We submit both in support of a category-wide grant, as well as to provide company-specific information if the President pursues a facility-specific exemption action.

To illustrate this point, our Bakelite facilities have been in discussions with vendors, consultants, and process engineering firms on potential control technology since the draft regulation was released in July 2023. By the time of the HON rule’s July 2024 publication, Bakelite was engaged in preliminary engineering studies to evaluating controls that could meet the Rule’s requirements for multiple emission control projects. As of today, Bakelite has not found a practical, economically feasible engineering solution for the required controls. Despite this early engagement, the engineering solutions, even those economically costly proposals, would be difficult to be installed and operational before the 2027 *deadline* due to permitting and supply chain limitations. In addition to the concerns about the availability of controls related to capital expenditure projects, we also agree that other Rule requirements pose practical or literal availability concerns. As EPA previously heard from the ACC and AFPM, it will be difficult to install a suite of controls that will allow our facilities to comply with the Rule. In addition to these concerns, the following list highlights some specific requirements that speak to these concerns:

(b) (4)

^[1] National Emissions Standards for Hazardous Air Pollutants (NESHAP), Powering the Great American Comeback https://www.epa.gov/system/files/documents/2025-03/neshap_powering-the-great-american-comeback_fact-sheet_2.pdf 89 Fed. Reg. 42932 (May 16, 2024).

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

(b) (4)

(b) (4)

The HON Rule and its technically infeasible requirements has the potential to result in facility shutdowns, imperiling jobs, and threatening supply chains for a vital chemical building block critical to our national security. The substantial risk of shutdowns combined across HON facilities could result in a strain on domestic supply of chemicals that are critical to national security and central to the U.S.'s strategic position in the global economy in key markets.

Without immediate intervention, such as a Presidential exemption under CAA Section 112(i)(4) to extend the compliance deadline for two years or, in the alternative, a compliance extension under CAA Section 112(i)(3), and an interim final rule rescinding those regulatory requirements not based on the best reading of CAA section 112(f), Bakelite and other chemical manufacturing companies will evaluate whether to shut down units or offshore their operations to prevent the application of an imprudent and unlawful rule.

* * * * *

Bakelite Synthetics appreciate this opportunity to request a two-year compliance extension for all sources subject to the HON Rule. If you have questions or need more information, please do not hesitate to contact me at Robert.Osika@Bakelite.com.

Sincerely,

Robert OSika
Robert Osika
Director, EHS

cc: Aaron Szabo, Senior Advisor to the Administrator, Office of the Administrator
Abigale Tardif, Principal Deputy Assistant Administrator, Office of Air and Radiation
Sean Donahue, Principal Deputy General Counsel, Office of General Counsel
Alex Dominguez, Deputy Assistant Administrator for Mobile Sources, Office of Air and Radiation



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