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Taconite Iron Ore Processing Facilities/Clean Air Act: Natural Resource Defense Council Federal District Court Action Challenging EPA Temporary NESHAP Exemption



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The Natural Resource Defense Council, Inc. and Minnesota Center for Environmental Advocacy (collectively, “NRDC”) filed a February 2nd Complaint for Declaratory and Injunctive Relief (“Complaint”) against the United States Environmental Protection Agency (“EPA”) regarding the Clean Air Act National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for the Taconite Iron Ore Processing industry. See Case No. 1:26-cv-287.

The Complaint challenges what it describes as EPA’s exemption from the industry for two years from the 2024 updates to the NESHAP for the Taconite Iron Ore Processing source category (“2024 Taconite Rule”). Citing Proclamation No. 10958, *Regulatory Relief for Certain Stationary Sources to Promote American Iron Ore Processing Security*, 90 Fed. Reg. 34,743 (July 17, 2025) (“Taconite Proclamation”).

The 2024 Taconite Rule is stated by the Complaint to have revised the standards for hydrogen chloride and hydrogen fluoride by directly regulating them rather than using particulate matter emissions limits as a surrogate. The 2024 Taconite Rule is described as having been promulgated in part to comply with the District of Columbia Circuit Court decision in *Louisiana Environmental Action Network v. EPA*, 955 F.3d. 1088 (D.C. Cir. 2020). The decision is described as requiring EPA to set emission standards for all unregulated hazardous air pollutants emitted by a major source category when conducting its required 8-year technology review under Section 7412(d)(6) of the Clean Air Act.

The Complaint objects to EPA’s use of 42 U.S.C. § 7412(i)(4) of the Clean Air Act to provide the temporary exemption for the referenced industry. The provision is characterized as allowing the President to exempt a source from a hazardous air pollutant standard for up to two years only if the technology to implement the relevant standard is not available and if exempting the source is in the national security interests of the United States.

NRDC argues that this provision had never been utilized in the past 50 years and both of the referenced predicates are not met. As a result, NRDC states that the Taconite Proclamation violates the Clean Air Act and exceeds the President’s lawful authority.

The Court is asked to enter appropriate relief declaring the Taconite Proclamation unlawful and invalid and enjoining EPA from implementing or giving effect to it.

A copy of the Complaint can be found [here](#).