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Congress of the United States
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COMMITTEE ON TRANSPORTATION
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WATER RESOURCES AND ENVIRONMENT
(VICE RANKING MEMBER)
HIGHWAYS AND TRANSIT

COMMITTEE ON SCIENCE, SPACE,
AND TECHNOLOGY
RESEARCH AND TECHNOLOGY

August 18, 2023

The Honorable Julie Su
Acting Secretary
U.S. Department of Labor
200 Constitution Ave. NW
Washington, DC 20210

Dear Acting Secretary Su:

I write today regarding the indefinite idling of the steel plants operated by Republic Steel in Canton and Massillon, Ohio, to request that the U.S. Department of Labor certify the compliance or noncompliance of Republic Steel's actions with respect to federal law pursuant to the *Worker Adjustment and Retraining Notice (WARN) Act of 1988* and U.S. Code of Federal Regulations (CFR) Title 20, Section 639.9.

On August 10, 2023, hundreds of steelworkers in Ohio learned that the Republic Steel plants in Canton and Massillon would be indefinitely idled. According to local public media sources, "workers received no notice of the company's intention to indefinitely shutter operations in Canton and Lackawanna, New York, and learned of the news through the media."¹ In letters dated August 10, 2023, that were made public on August 16, 2023, in the Canton Repository, Republic Steel informed Canton Mayor Thomas Bernabei and Massillon Mayor Kathy Catazaro-Perry that due to "sudden and unforeseen business circumstances," both plants would have to idle their steelmaking operations.

The *WARN Act* requires that an employer "not order a plant closing until the end of a 60 day period after the employer serves written notice of such an order" to its employees. Pursuant to the *WARN Act* and 20 CFR 639.9, an employer may reduce that notification period if "the closing... is caused by business circumstances that were not reasonably foreseeable."²

Unfortunately, it is not clear that business circumstances pertaining to Republic Steel's decision to idle these plants were unforeseeable. According to the Canton Repository, the Internal Revenue Service filed a lien against Republic Steel for failing to provide \$2.2 million it collected in withheld Federal Insurance Contribution Act taxes³ – funds that provide for essential social safety net programs like Social Security, Medicare, and Medicaid. Additionally, the Ohio Department of Taxation filed liens on Republic Steel for its failure to pay over \$280,000 in

¹ <https://www.ideastream.org/economy/2023-08-11/republic-steels-indefinite-closure-in-canton-leaves-hundreds-jobless>

² <https://www.cantonrep.com/story/business/2023/08/16/republic-steel-owes-millions-to-irs-ohio-department-of-taxation-forest-city-erectors-ck-industrial/70590472007/>

³ Id.

taxes. I am deeply concerned that Republic Steel may have utilized a loophole in the law that does not accurately reflect its financial circumstances to the detriment of hundreds of its employees and the surrounding community.

If true, the actions of Republic Steel are at best outrageous, and at worst in violation of federal regulations. The men and women of Ohio's 13th Congressional District who provided the labor necessary for Republic Steel's prior success – union workers who built the American middle class, who have provided for their families and communities, and who have done nothing wrong – are now ostensibly the victims of Republic Steel's potential failure to adhere to federal law. Beyond the United Steelworkers directly employed by Republic Steel, it is my understanding that additional workers belonging to various other labor unions have also had their livelihood threatened without advance notice. To that end, **I request that the U.S. Department of Labor certify the compliance or noncompliance of Republic Steel's actions pursuant to the WARN Act and 20 CFR 639.9.**

Thank you for your prompt attention to this matter of grave importance to myself, my district, and the hard-working men and women of Ohio's 13th Congressional District. If you require any additional information, please do not hesitate to reach out to my office.

Yours in Service,

A handwritten signature in black ink, appearing to read 'Emilia Strong Sykes', with a long horizontal flourish extending to the right.

Emilia Strong Sykes
Member of Congress
Ohio's 13th Congressional District

Cc: Republic Steel
United Steelworkers Local 1200
Mayor Thomas Bernabei
Mayor Kathy Catazaro-Perry