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February 7, 2024

Matt Lucke
ARG International AG
Rigistrasse 3
CH-6300 Zug/Switzerland

Dear Mr. Lucke,

Let me get straight to it. Your decision to shut down production at Magnitude 7 Metals, the aluminum plant in Marston, Missouri that you own, devastates working families and undermines U.S. national security. Moreover, the *way* you shut down production appears to violate federal labor law. You need to reopen the plant, immediately. If you do not, you must give your employees the compensation they are entitled to get under U.S. labor law—or face hefty civil fines. It is not too late to do right by your workers.

Before you decided to curtail production, Magnitude 7 Metals was one of three primary aluminum manufacturers in the United States and operated one of a handful of the nation's active smelters. Your company's annual production capacity was 263,000 metric tons, which accounted for almost 30 percent of the nation's overall capacity. Shutting down this production deprives Missouri of good-paying jobs and the nation of essential manufacturing of a critical mineral. Your actions are a mistake that harms this nation.

Should you insist on keeping the plant shuttered, you may well be in violation of federal labor law. As you know, the *Worker Adjustment and Retraining Notification (WARN) Act of 1988* requires employers like Magnitude 7 Metals to give employees 60 days' notice before closing a plant. 29 U.S.C. § 2102. It does not appear that Magnitude 7 Metals adhered to the notice requirement provided under the *WARN Act*. On January 24, 2024, your company provided written notice of an impending shutdown to occur only four days later—far short of the 60-day notice requirement.

Businesses that violate the *WARN Act* in this way are liable for back pay and benefits to each aggrieved employee for each day short of 60 that they failed to give notice. They are also liable for civil fines, which could exceed \$10 million in your case. The way to avoid these penalties is to pay each wronged employee backpay and benefits for the 60-day period within three weeks of the date the employer ordered the shutdown.

I urge you to resume production at Magnitude 7 Metals to ensure the United States retains the capacity to produce primary aluminum. I urge you to resume production because so many families depend on these jobs. But if you choose not to, you must give your employees the compensation they deserve under the law.

I look forward to your prompt attention to this important matter.

Sincerely,



Josh Hawley
United States Senator