

May 11, 2026

The Honorable Lee Zeldin

Administrator

Environmental Protection Agency

Submitted via: [regulations.gov](https://www.regulations.gov) to Docket EPA-HQ-OLEM-2025-0313 and courtesy email to Kristina.Guarino@epa.gov

Re: Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention (CSACAP), Proposed Rule, 91 Fed. Reg. 8970 (Feb. 26, 2026)

Dear Administrator Zeldin:

The eight organizations listed below are members of the Coalition to Prevent Chemical Disasters¹ and represent fenceline, community, labor, environmental, justice, conservation, science, health, and other constituencies affected by chemical disasters and the Environmental Protection Agency's (EPA) Risk Management Program (RMP) regulation. We submit these comments on May 11, 2026 in response to Docket ID Number EPA-HQ-OLEM-2025-0313.

We strongly oppose EPA's efforts to weaken and roll back the 2024 Safer Communities by Chemical Accident Prevention (SCCAP) rule. The 2024 rule includes important safety protections for communities, including workers, first responders, and children, who are in harm's way due to hazardous chemical releases at the approximately 11,500 RMP facilities around the United States. EPA recognized the need to strengthen the RMP rules following an extensive public engagement process with nearly 28,000 public comments, including 163 technical comments.² This rule also came after dangerous lessons about safety during the first Trump administration's delay and rollback of the 2016 RMP improvements. During the last decade, hazardous chemical incidents and disasters have occurred over and over again, leading to loss of life, suffering of families, schools in lock down, and local communities facing toxic chemical exposure that could have been prevented.³

According to EPA data, there have been more than 3,900 incidents at RMP facilities since 2004 alone, many causing death, injury, toxic exposure, and other harm.⁴ This proposal is anything but "common sense" and prioritizes a short-sighted corporate agenda over the health and wellbeing of workers, first responders, and the more than 177 million Americans who live in a

¹ <https://preventchemicaldisasters.org/>

² <https://www.federalregister.gov/d/2024-04458/p-188>

³ See incidents and harm reported in EPA April 2026 RMP Database released through FOIA, available at <https://foiapublicaccessportal.epa.gov/app/ReadingRoom.aspx>; see also

<https://preventchemicaldisasters.org/chemical-incident-tracker/tracker> (filter to see news reports of incidents at RMP facilities in recent years).

⁴

<https://earthjustice.org/press/2026/health-and-safety-protections-against-chemical-emergencies-eliminated-and-weakened-in-new-trump-epa-proposal>

worst-case scenario zone of a chemical disaster.⁵ We call on EPA to abandon this reckless rollback and allow the 2024 final rule to be implemented by May 2027 as currently required.

Members of the Coalition to Prevent Chemical Disasters have been deeply involved in calling for strong safety protections under the Risk Management Program for decades and have commented extensively and offered comments in public hearings on EPA proposals for changes to the RMP since 2016, including the March 10, 2026, public hearing. Members of Congress have also consistently called for strong prevention measures including in 2023⁶ and most recently this month calling on EPA to withdraw the 2026 proposed rule and implement the 2024 SCCAP rule.⁷

While EPA claims in this proposal that vital provisions in the 2024 rule are unsupported by the data, the 2024 rule record (including comments submitted by our coalitions and others) provides strong evidence for why the incident and harm prevention provisions in the 2024 rule are necessary.⁸ The agency's unwillingness to allow key components of the rule to be implemented at all hinders both public safety and the opportunity to measure the full effectiveness of enhanced safety measures through data collection on safety improvements reported over a full RMP reporting cycle. Furthermore, EPA's proposal to eliminate or replace safety requirements with voluntary measures is wholly inadequate to protect workers, first responders, and fenceline communities – especially children – in the face of these high-consequence disasters. Finally, the agency's decision to backtrack on information access in multiple languages is a reckless and harmful action that once again leaves communities in the dark about the toxic threats in their backyards.

Below, we reiterate the strong justifications for retaining the 2024 rule – as discussed in our comments on that rule, which we urge EPA to review again⁹ – because, just as EPA itself previously found, these protections are necessary to protect safety. We highlight examples of new evidence that has been published since 2024 further justifying the need to maintain these critical provisions. EPA should not finalize the proposed weakening or rollback and instead, the agency must deliver the basic protections that communities, workers, and safety experts have been seeking for decades – and ensure they can be fully implemented and enforced without further delay.

Specifically, our organizations urge EPA's final rule to include:

- **#1—STAA.** Retain provisions that will durably prevent chemical disasters, specifically requirements for certain facilities to assess and adopt inherently safer methods and technologies that can eliminate or reduce catastrophic hazards altogether, and can save lives and reduce harm if an incident still occurs.
 - We oppose all proposed rollbacks related to the Safer Technology and Alternatives Analysis (STAA), including evaluation, practicability, and

⁵ <https://www.regulations.gov/document/EPA-HQ-OLEM-2022-0174-0033>

⁶ [Booker, Barragán Lead 47 Congressional Colleagues in Urging EPA to Further Strengthen Prevention and Safety Standards to Prevent Chemical Disasters](#)

⁷ [FINAL-RMP-Letter-Final-5-11-26-.pdf](#)

⁸ See EPA's Final Rule, 89 Fed. Reg. 17622 (Mar. 11, 2024), and the robust record the agency itself created at <https://www.regulations.gov/docket/EPA-HQ-OLEM-2022-0174>, that EPA cannot ignore here.

⁹ <https://www.regulations.gov/comment/EPA-HQ-OLEM-2022-0174-0269>

implementation, as well as reporting requirements. Under the SCCAP rule, some 1,489 facilities are subject to the initial STAA evaluation (about 12-13% of RMP facilities) and about 650 facilities are subject to the STAA practicability assessment and implementation requirements (about five to six percent of RMP facilities).¹⁰ EPA should not eliminate or narrow the STAA requirements, as the proposal would weaken and deny long-needed protection from chemical incidents. Safer technologies, including hazard elimination, are the most important tool to prevent chemical disasters and avoid harm if an incident occurs. In order to prevent chemical disasters and death, injury, toxic exposure and other resulting harm, the agency must retain STAA requirements from the 2024 rule. Rather than rescind or weaken, if EPA wants to show a commitment to safety, it would fully, at a minimum, implement these provisions and also gather information on ways to further build on and expand these requirements.

- **#2—Information Availability.** Retain and enhance public access to information about RMP facilities and Risk Management Plans, including re-publishing the RMP public data tool immediately.
 - While we believe information on RMP facilities and plans should be available to all members of the public, we oppose the proposal to eliminate the provision to provide information access to community members within a six-mile radius of RMP facilities in locally spoken languages. Our coalition has long advocated for the public's right to RMP information and denounces any effort to eliminate or limit access, especially as EPA and numerous federal agencies were consulted on and recognized the need for expanded public information access in the 2024 rulemaking.
 - We also urge EPA to immediately and fully restore the RMP public data tool that was suddenly taken down without any public input or notification in 2025. We urge EPA to retain the mapping function and capabilities of the tool to search, sort, and extract data records when it was published in 2024, and to provide the data in multiple languages. EPA should ensure the tool remains updated with the most currently available RMP data, and that it is fully accessible to the public. The tool must be restored with capacity to search for facilities anywhere in the country, e.g., by EPA Facility ID, and must include all other non-OCA data components that are required to be made publicly available.
- **#3—Third-Party Compliance Audits.** Retain third-party compliance audits.
 - We strongly oppose both proposals by EPA that will ultimately eliminate the third-party compliance audit requirement. A single incident is one too many. Communities should not have to wait for multiple disasters to occur before third-party audits are required, and sunseting the protections altogether will eliminate this essential opportunity to learn from prior incidents, and make it harder to ensure effective safety measures are put in place. It will also weaken the information that EPA, states, and facilities themselves have to assure

¹⁰Draft Regulatory Impact Analysis; Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention Proposed Rule. Final SCCAP Rule RIA and Cover Note posted by the Environmental Protection Agency on Jun 18, 2024. Accessed May 4, 2026 at <https://www.regulations.gov/document/EPA-HQ-OLEM-2025-0313-0058>.

compliance with safety measures and provide accountability where needed for harm caused. It is critical to retain provisions that require third-party investigations after one incident and not wait until two potential disasters have occurred before requiring an independent safety review.

- **#4—Employee Participation.** Retain provisions that protect communities and ensure workers have the tools, training, and access they need to save lives inside and outside of a facility gate, through effective employee participation in RMP planning and implementation.
 - We strongly oppose the proposals to eliminate requirements for stop work authority, anonymous worker incident and compliance reporting, employee consultation on recommendations from PHAs for Program 3 processes, and training on the employee participation plan. These provisions are critical for preventing incidents from happening in the first place, and stopping unsafe conditions from progressing to a disaster.¹¹ RMP facility workers are often hurt first and worst during chemical incidents, therefore for an effective RMP, EPA must retain provisions that enhance meaningful collaboration of employees and their representatives with management to design, implement, and evaluate all phases of risk management plans.
 - Employee participation provisions must be expanded, not rolled back, and are not duplicative of the OSHA Process Safety Management requirements, which have not been meaningfully updated since 1992. Since then, technology has changed, control systems have changed, hazard analysis methods have changed, and climate-related risks have changed. Using 1990s language as the benchmark for 2026 is not appropriate and it is not protective.
- **#5—Community and Emergency Responder Notification & #10—Emergency Response Exercises.** Retain emergency response and incident management measures such as alerts in multiple languages and community notification, and enhance efforts to document emergency response exercises.
 - The 2024 rule, importantly, required RMP facilities to ensure a system is in place, where one does not exist, to alert communities about emergencies and partner with local responders to ensure notifications were available to and could be understood by community members. We strongly oppose EPA’s proposal to remove these requirements. EPA’s proposal for RMP facilities to coordinate with local officials to provide “necessary” information does not ensure effective community alerts. This proposal will limit coordination with local emergency responders, who are often first on the scene after an incident and need to know what chemicals they are dealing with to protect themselves and the public. Community and emergency responder notification measures must be required, not voluntary, and facilities should be held accountable for the success of such systems. It is irresponsible to foist the responsibility of community notification to first responders, who are oftentimes volunteers, or on communities when the need for the notification system exists because of the RMP facility.

¹¹ U.S. Chemical Safety and Hazard Investigation Board (CSB). Fire and Explosions at Philadelphia Energy Solutions Refinery Hydrofluoric Acid Alkylation Unit (June 21, 2019), No. 2019-04-I-PA (published Oct. 11, 2022) (CSB PES Report), <https://www.csb.gov/philadelphia-energy-solutions-pes-refinery-fire-and-explosions-/>.

- Furthermore, we oppose the dangerous proposal to remove a requirement to ensure that community notification is provided so that emergency information can be accessible to and can be understood by the surrounding community. This is a callous and reckless proposal as everyone needs to be able to understand emergency alerts. The proposal would deprive community members, including people who may not speak English as a first language, of critical safety information during an emergency that could save their lives.¹²
- **#6—Stationary Source Siting.** Retain stationary source siting provisions.
 - We strongly oppose EPA's proposal to remove the **explicit** regulatory requirement to assess and plan for specific siting facts that can affect hazards and emergency response, including hazards from nearby sources and consequences for the public and public receptors, including homes, schools, day care centers, and hospitals where children and families face particular vulnerability to chemical exposure and releases. Chemical incidents do not happen in a vacuum and RMP owners and operators must be required to consider the hazards and consequences to the surrounding community and area in placement of processes, equipment, and buildings.
- **#7—Natural Hazards & #8—Power Loss.** Retain provisions to protect communities and workers from the double threat of chemical disasters, hurricanes, floods, and other natural hazards where there is a record and threat of serious “natech” incidents (i.e., chemical disasters that include natural and technological components).
 - It is critically important for EPA to retain the **specific** requirement for consideration of natural hazards and power loss in hazard reviews and process hazard analyses for thousands of the most potentially dangerous chemical facilities, including refineries, chemical manufacturers, agricultural chemical facilities, water treatment systems, and many more – and require reporting on whether there is implementation of measures to avoid these hazards. There is a strong need for these requirements as shown by evidence that at least one-third of all RMP facilities are located in areas facing high climate risks.¹³ Since the 2024 rule was issued, the threat of releases at RMP facilities linked with natural hazards has only increased, new incidents have occurred at RMP facilities,¹⁴ and evidence continues to mount that facilities have not been adequately planning or preparing for such hazards. For example, the ExxonMobil Refinery in Baytown, Texas is located in an area at risk of flooding and storm surges from category 4 or 5 hurricanes.¹⁵ The facility did not report hurricanes or flooding as a potential

¹² <https://southerlymag.org/2022/03/03/fertilizer-plant-fire-spanish-speakers/>

¹³ <https://progressivereform.org/publications/preventing-double-disasters/>; <https://www.gao.gov/products/gao-22-104494>

¹⁴ See news reports showing a link between weather and RMP releases from 2022-present, available by searching at: <https://preventchemicaldisasters.org/chemical-incident-tracker/tracker>. See, e.g., incidents at refineries in Chicago, Oklahoma, and other RMP facilities where news reports showed NaTech links in recent years: [BP refinery hit with \\$40 million fine, agrees to spend \\$200 million on pollution control - Chicago Sun-Times](#); ['Significant' hazmat incident resolved at Rumford's ND Paper mill](#); [Crews battle refinery fire overnight | Garvin County: Residents concerned over chemicals missing in the New River](#)

¹⁵ <https://experience.arcgis.com/experience/203f772571cb48b1b8b50fdcc327e2c/page/Category-5>

hazard in its 2023 RMP submission¹⁶ even though it was impacted six years earlier by Hurricane Harvey.¹⁷

- We also call on EPA to retain all requirements related to assessing and planning for power loss, requiring backup power for monitoring equipment, and to document when such equipment is removed from operation. These measures are critical for preventing power loss-related incidents in the first place, learning from such incidents when they do occur, and ensuring that action can be taken to prevent harm in the future and ensure accountability for toxic chemical releases when RMP facilities fail to effectively plan and prepare for natural hazard events.
- **#9—Declined Recommendations.** Retain declined recommendations provisions.
 - EPA should retain the SCCAP declined recommendations requirements as a basic mechanism of accountability. Where gaps are identified, documenting why a safety recommendation is rejected is an entirely reasonable expectation for high hazard facilities.
- **#12—Deregistration Form Information Collection.** We encourage EPA to ensure that facilities use the de-registration form to confirm and collect information on the implementation of safer technologies and to improve reporting on major releases that lead facilities to decommission processes.
- **#13—Retention of Hot Work Permits.** Retain the provision to record hot work permits for three years.
 - We strongly oppose EPA’s proposal to rescind the three-year retention requirement for hot work permits. As noted by Phillip Stagg, member of the United Steelworkers, during the March 10, 2026 public hearing, “Hot work permit retention matters because it supports real compliance auditing. If permits are not retained, sites lose the ability to look back, identify gaps, and determine whether a permitting process is actually working, or just being checked off on paper.”¹⁸

In addition to EPA’s unfortunate proposal to re-hash and weaken the vital existing rules, and on top of the delay and harm from this administration’s rollback during its first term, the agency has continued to fail to expand the program to cover any new chemicals, including reactive chemicals such as the highly dangerous ammonium nitrate, or lower the threshold for hazardous chemicals that would trigger coverage under the program.

We will continue to call on EPA to fulfill its duty to protect health and safety and specifically to abandon the proposed CSACAP rule, fully implement the 2024 SCCAP rule, and fully restore the RMP Public Data Tool without delay.

¹⁶ <https://data-liberation-project.github.io/epa-rmp-viewer/#/submission:1000106831>

¹⁷ Akpan, Nsikan. (2017, August 29). Hurricane Harvey damages petrochemical refineries, releasing thousands of pounds of airborne pollutants. PBS News. <https://www.pbs.org/newshour/science/exxonmobil-texas-refineries-damaged-hurricane-harvey-release-thousands-pounds-pollutants-air>

¹⁸ <https://www.regulations.gov/document/EPA-HQ-OLEM-2025-0313-0096>

Sincerely,

Center for Environmental Health

The Coming Clean network

Earthjustice

Environmental Justice Health Alliance for Chemical Policy Reform (EJHA)

NJ Work Environment Council

Texas Environmental Justice Advocacy Services

Union of Concerned Scientists

United Steelworkers International Union (USW)