

April 18, 2024

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mike Johnson
Speaker of the House
United States House of Representatives
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, D.C. 20510

The Honorable Hakeem Jeffries
Minority Leader
United States House of Representatives
Washington, D.C. 20510

RE: H.J.Res.123 - Providing for congressional disapproval of the rule submitted by the Environmental Protection Agency relating to “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention”

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Johnson and Minority Leader Jeffries:

The undersigned trade associations representing diverse sectors of the economy strongly support H.J.Res.123, legislation that would disapprove the Environmental Protection Agency (EPA) rule, *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention* (“RMP rule”).¹ Despite reportable accidents and major incidents being at record lows, EPA made unwarranted changes to the Risk Management Program that unnecessarily compromise the security of our members’ facilities, emergency responders, and communities. The changes significantly increase costs for companies, while doing little to improve safety. For these reasons and those explained below, we believe it is appropriate that Congress disapprove of the final RMP rule under the Congressional Review Act.

Safety remains a top commitment of our members and a core value embedded in the culture of our industries. Our members routinely go above and beyond regulatory requirements, including by participating in a variety of voluntary initiatives designed to improve process safety at a facility level. EPA’s own data demonstrate the positive outcomes in safety as a result of these efforts, with 97 percent of RMP-regulated facilities reporting no incidents in the most recent reporting period and RMP incidents declining by more than 80% between 1996 and 2022.

Our members have a strong history of communication and partnership with the local, state, and federal authorities and communities where their facilities are located. Indeed, community committees, including committees with local first responders, have been in place for more than three decades. These partnerships continue to be the foundation for open communication,

¹ Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention, 89 Fed. Reg. 17622 (March 11, 2024).

information sharing, emergency planning and coordination, and, importantly, for ensuring site specific security plans. Our members also share important security information with first responders, the Department of Homeland Security, and other federal agencies.

The new information disclosure requirements in the RMP final rule will increase security risks by requiring RMP-regulated facilities to hand over sensitive chemical hazard information to almost anyone within six miles of a facility. Federal regulations should not make it easier for sensitive information to be exploited by criminals and terrorists.

Furthermore, the final RMP rule imposes significant new costs, more than triple compared to the proposed rule, without adequately identifying or quantifying the safety benefits that would be achieved. For example, EPA finalized new requirements to conduct a safer technology and alternatives assessment (STAA) analysis, even though EPA provided no evidence the change would reduce accidental releases. EPA estimates that more than 80% of the final rule's \$256 million annual cost will come from these STAA provisions alone. Analysis of EPA's data indicates that over 90% of the costs of this rule will fall upon facilities that have not had any RMP-reportable accidents in the past five years.²

We and our members support focused and data-driven regulations that improve safety and security. EPA's RMP final rule fails to meet this mark. We urge you to support the resolution of disapproval of the RMP final rule under the Congressional Review Act.

Sincerely,

Agricultural Retailers Association
American Chemistry Council
American Coke and Coal Chemicals Institute
American Petroleum Institute
International Liquid Terminals Association
National Oilseed Processors Association
Sulphur Institute

Alliance of Chemical Distributors
American Coatings Association
American Fuel & Petrochemical Manufacturers
Corn Refiners Association
International Warehouse Logistics Association
Society of Chemical Manufacturers & Affiliates
U.S. Chamber of Commerce

² U.S. EPA, 2023, *Regulatory Impact Analysis: Safer Communities by Chemical Accident Prevention Final Rule*, OLEM and OEM, August 30; and U.S. EPA, 2022. RMP Accidents 2004-2020 (Appendix A); Technical Background Document for Notice of Proposed Rulemaking: Risk Management Programs under the Clean Air Act, Section 112 (r)(7) Safer Communities by Chemical Accidents Prevention.