

August 23, 2018

The Honorable Andrew Wheeler, Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460-0001

Re: Comments for Docket Number: EPA-HQ-OEM-2015-0725- Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act

Dear Administrator Wheeler,

The undersigned organizations submit these comments in support of Docket Number EPA-HQ-OEM-2015-0725 - Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act (Proposed Rule). The organizations represent thousands of facilities across the nation covered by Risk Management Program (RMP) regulations. In addition, the International Institute of Ammonia Refrigeration (IAR) is an ANSI accredited standards writing body whose standards are used as Recognized and Generally Accepted Good Engineering Practices (RAGAGEP). The proposed changes to the RMP Amendments Final Rule are of great interest to our organizations and member companies and we appreciate the opportunity to provide comment.

We strongly support the agency's proposal to rescind all accident prevention program provisions of the RMP Amendments rule including third-party audits, safer technology and alternatives analyses and incident investigation root cause analysis. We agree that EPA should better coordinate any future revisions to the RMP rule with the Occupational Safety and Health Administration and the Process Safety Management Standard. In addition to the need for better coordination, there are substantive problems with the RMP Amendments rule that also justify rescission of some provisions.

For example, we continue to have significant concerns about RMP Amendments related to third-party audits. We believe that facilities should be allowed to use any qualified auditor, including those who may be associated with the company. This approach is consistent with the performance based nature of the regulation. We do not believe sufficient data has been produced justifying the added cost the proposed restriction would impose on facilities. In addition, making otherwise qualified auditors ineligible because a company has used them for services other than auditing would place a tremendous strain on the availability of auditors with experience in our industry. Therefore, we strongly support the proposal to rescind the third-party audit provisions included in the RMP Amendments.

We support rescinding the public information availability provisions of the RMP Amendments rule, as proposed. We agree that the information requirements would have provided redundant, less secure means of access to information that is otherwise available through more controlled means.

We also request that the agency reconsider the requirement for holding a public meeting after an accident. When such meetings were required at the beginning of the RMP program, it was the experience of our member companies that the public meetings were of little to no value. Participation was very low, with significant costs making such meetings ineffective and unnecessary.

Should the agency retain a meeting requirement, we suggest that meetings with LEPCs and/or local responders after an accident would have more value than requiring special meetings for the public. At least these meetings would help facilitate additional coordination between facilities and LEPCs and responders. If a public meeting is ultimately required, public meetings should be confined to “major” incidents, as suggested for consideration in the Proposed Rule and the timeframe for meetings after an accident should not be shortened from the current 90 day policy.

While the safer alternatives analysis provision does not apply to ammonia refrigeration, we support the proposed rescission. The regulatory burden of requiring costly IST reviews tends to stifle innovation. For those companies already looking to improve safety by implementing IST options, a formal IST review would add costs to a process by forcing them to document the activities they are performing. Small operations might not have the manpower or expertise to do this and lack the resources to hire it out cost effectively. For companies that do not implement IST options, the IST review becomes a “paper exercise” where they document why it is “impractical” to implement these options.

Finally, we support the proposed revisions to the emergency coordination and exercise provisions. Coordination between regulated facilities and emergency responders is very important. The added flexibility proposed in the rule would help facilities in meeting this goal while minimizing the regulatory burden and protecting classified and confidential business information.

Thank you for the opportunity to provide comment on the reconsideration of amendments to the Risk Management Program. Please let us know if you have any questions about our submission or if we can be of any assistance as the rulemaking process moves forward.

Sincerely,

American Bakers Association
American Frozen Foods Institute
Global Cold Chain Alliance
International Association of Refrigerated Warehouses
International Institute of Ammonia Refrigeration
North American Meat Institute
Refrigerating Engineers and Technicians Association