



CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

May 11, 2026

Lee Zeldin, Administrator
Environmental Protection Agency
Submitted via: regulations.gov to Docket
[EPA-HQ-OLEM-2025-0313](#)

Re: Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention

Dear Administrator Zeldin:

BlueGreen Alliance (BGA) unifies labor unions and environmental organizations into a powerful force to fight climate change, protect the health of people and the environment, stand against economic and racial inequality, and create and maintain good-paying, union jobs in communities across the country. BGA strongly opposes the 2026 proposed rule that rolls back protective measures from the 2024 final rule that would help to prevent chemical disasters before they happen. **We urge the EPA to implement the 2024 *Safer Communities by Chemical Accident Prevention* rule and to immediately and fully restore the RMP public database tool with full mapping capabilities.**

Background

The EPA's Risk Management Program (RMP) covers approximately 11,500 commercial and industrial facilities that use or store large amounts of about 140 regulated substances that are highly toxic or highly flammable chemicals.¹ The RMP is the nation's primary defense against catastrophic industrial chemical releases, fires, and explosions. The RMP rule, as codified in the Clean Air Act, is about preventing chemical disasters and thus saving lives—of our workers, fenceline communities, and first responders. The EPA estimates that 177 million people in the United States live close enough to an industrial facility to be harmed by a chemical release, fire, or explosion. That is more than half the U.S. population being put at risk every single day that we do not have a protective RMP rule in place.



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The 2026 Proposed RMP rule

EPA's mission as stated on the website as of May 2026 is to "protect human health and the environment." Yet, the EPA's stated objective for the proposed RMP rule is to save companies money:

"The EPA's main objectives through this proposed (2026) rulemaking are to avoid duplicative requirements, realign RMP requirements with OSHA PSM requirements, and eliminate unnecessary burdens placed on facilities where there are not specific data available to show that the current RMP standards would reduce or have reduced the number of accidental releases."ⁱⁱ

These stated RMP objectives clearly prioritize industry interests over the safety and health of people and the environment, including workers and fenceline communities.

Furthermore, risk management should not focus on how often an incident occurs but instead identifying the severity of potential incidents and working to prevent those scenarios.

In the 2024 Safer Communities final rule, there were many protective provisions that have now been stripped out in this latest proposal. The so-called "common sense approach to chemical accident prevention" proposed rule is anything but. Compared to the 2024 final rule, this 2026 rule proposes to:

- Eliminate a safer technologies assessment for all existing covered facilities
- Eliminate a requirement to specifically assess and plan for natural hazards such as flooding, wildfires, and hurricanes
- Eliminate stop work authority, anonymous reporting, and other workers' protections
- Eliminate fenceline community notification requirements
- Weaken information availability
- Weaken third-party compliance audit requirements

Safer Technologies and Alternatives Analysis (STAA)

Requiring hazardous facilities to conduct STAA is an effective approach to preventing chemical disasters because it reduces the hazards at the source. It asks facilities to conduct an analysis that would identify if there are safer technologies, processes, or



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substances that could be implemented while maintaining the same output. There are already examples of RMP facilities that chose to conduct STAA and implement those findings in order to have a safer facility and workplace. For example, many wastewater treatment plants in the U.S. have switched from chlorine gas (a pulmonary irritant and substance historically used as a chemical weapon) to bleach or sodium hypochlorite.ⁱⁱⁱ Facilities using significant amounts of chlorine are regulated under the RMP. However, when facilities switch to a safer alternative, they lower the risk of a chemical disaster and in some cases are able to deregister as RMP regulated facilities. The 2024 Safer Communities rule only required approximately 5% of the most hazardous RMP facilities to conduct an STAA yet the proposed rule would eliminate this targeted provision. We oppose any elimination or weakening of the STAA requirement.

Assess and plan for natural hazards

At least one third of RMP facilities are located in areas with an increased risk of natural disaster due to climate change. These natural disasters include wildfires, inland flooding, storm surge, and coastal flooding due to sea level rise and is likely an underestimate based on limited publicly available data from federal agencies.^{iv} While the 2024 Safer Communities rule required that all RMP facilities specifically assess and plan for natural hazards in their five year RMP plans, this proposed rule would eliminate that requirement. That means the 3,390+ RMP facilities in known flood zones will not be required to have plans for addressing floods, RMP facilities along the hurricane-prone Gulf coast^v—of which there are 2,500+—will not be required to have plans to address hurricanes, and the 85+ RMP facilities in drought-prone areas will not be required to have plans to address wildfires.

This is not a hypothetical risk—we already have multiple examples of facilities that were unprepared for extreme weather with disastrous consequences. During Hurricane Harvey in 2017, the Arkema chemical plant in Crosby, TX flooded and lost power causing organic peroxides to ignite and spew toxic smoke that triggered an evacuation and sent over 20 first responders to the emergency room.^{vi} In September 2024, Hurricane Helene hit an RMP facility in Radford, Virginia and 3,000 gallons of dibutyl phthalate (DBP), a toxic chemical known for causing birth defects and reproductive harm, were released into New River contaminating a drinking water source for the community.^{vii} It is noteworthy that the community was not notified of this toxic release until six weeks later at a Nov 7, 2024 community meeting.^{viii} EPA must require that RMP facilities specifically assess for natural hazards in their RMP plans.



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Stop work authority and other worker protections

The proposed rollbacks of all of the employee participation requirements are making facilities, workers, and fenceline communities less safe. This includes Stop Work Authority (SWA) which is another key measure to prevent chemical disasters. It empowers workers most knowledgeable of the process to pause operations if something is out of order—a mysterious smell, an unfamiliar noise, or a visual marker flagging something has gone wrong. Granting Stop Work Authority gives those experts closest to the problem—frontline workers—the authority to stop a process before a chemical disaster can occur. Chemical incidents can happen in seconds and empowering workers to act quickly, instead of waiting for permission up the chain, can save lives. The Chemical Safety Board has recognized the importance of SWA and included it as a recommendation after major chemical disasters including the 2012 Chevron refinery explosion and the fatal Tesoro refinery explosion.^{ix} SWA was granted to relevant operators in the most hazardous RMP facilities in the 2024 Safer Communities Rule and should be reinstated in a final RMP rule.

The 2024 Safer Communities rule also included a provision requiring RMP facilities to meaningfully consult with their employees (and union representatives where applicable) in all aspects of safety hazard identification, analysis, and remediation. However, the proposed rule also eliminates this requirement along with anonymous reporting that would have allowed workers to report unsafe conditions without fear of retribution. It also eliminates a requirement for employers to train employees on the employee participation provisions in the RMP rule which means that workers are left in the dark about how their workplace is regulated and how best to protect themselves and their colleagues. We strongly urge EPA to reinstate Stop Work Authority and the other employee participation provisions by implementing the 2024 Safer Communities Rule.

It is also worth noting that employee participation requirements protect livelihoods. When employees are involved in the identification, analysis, and remediation of hazards it protects the health and safety of workers and the surrounding communities and keeps the facility safe and running smoothly. When facilities shut down because of a chemical disaster or a “near miss,” like in the case of the Philadelphia Energy Systems facility in 2019, thousands of jobs are permanently lost. There are also the indirect employment effects within the community that happen when good paying jobs are lost and those dollars no longer circulate in the local economy.



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Fenceline community notification requirements

A chemical incident happens nearly daily in the United States.^x When this occurs, fenceline communities—those communities living within 3-6 miles of a facility—are deeply impacted yet often do not have the necessary information to keep themselves and their families safe. Fenceline communities are disproportionately Black and Latino and it is well documented in stakeholder comments to the ^{xi}docket that language access is a barrier to accessing RMP information. The 2024 Safer Communities rule required that where a community notification system does not exist, RMP facilities are responsible for alerting communities in their primary language. Given that the threat of chemical disaster exists because of the existence of the RMP facility, the responsibility should remain with the facilities. However, the proposed rule eliminates this requirement and puts the onus on local officials or emergency responders to have a community notification system. Because EPA’s regulatory authority is over RMP facilities and the proposed rule shifts responsibility away from RMP facilities, it also eliminates the requirement to provide community notifications in their primary language. We oppose a proposed rule that allows RMP facilities to abdicate their responsibilities to promptly notify communities in their primary language. The EPA is risking lives by proposing that those who do not speak English as their first language do not deserve to be informed if a chemical incident has occurred.

Information availability

Historically, RMP facility information is difficult for fenceline communities and other stakeholders to access. Much of the RMP information is only accessible in reading rooms with limited hours and only two locations per state. In turn, this makes it exceedingly difficult for communities to plan and protect themselves and even more difficult for emergency responders to know what types of chemicals they are dealing with when basic information is cloaked in secrecy. This changed in 2024 when the EPA stood up an RMP public data tool that provided basic facility information (without revealing trade secrets or other classified information). Workers, emergency responders, and fenceline communities have a right to know what they are being exposed to, and the public data tool was an important way of addressing that. However, before the current proposed rule even came out, EPA took down the database at the behest of the chemical industry.^{xii} FOIA 5 U.S.C. § 552(a)(2), requires federal agencies to proactively make available in electronic form records that have been, or are likely to be, the subject of repeated requests. The RMP data qualifies and EPA's own implementing regulations at 40 CFR 68.210 require public



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availability of RMP information. Once the agency disclosed records, it cannot withdraw them without satisfying the procedural requirements of the Administrative Procedure Act. EPA is clearly out of compliance with FOIA and we request that the database be fully restored immediately, including with mapping capabilities.

The proposed rule also eliminates requirements finalized in the 2024 rule for facilities to make public when they've declined to implement safety recommendations related to natural hazards, power loss, siting, or bring facilities up to current codes, standards, or practices. This is a step backwards for accountability and transparency. In addition, the rule eliminates the requirement to share RMP information in locally spoken languages—note this is different from the requirement to have emergency community notifications in primary languages. Again, the EPA is proposing to require life-saving information be withheld from communities if their primary language is not English.

Third party compliance audit requirements

The 2024 Safer Communities rule required that when an incident occurs, a neutral third party would conduct an investigation to see what went wrong and how to correct it. It is a safety tool as well as a compliance tool to ensure facilities are following regulations. In the proposed rule, RMP facilities are only required to conduct a third-party compliance audit after two chemical incidents. Given the threat to public and worker health from a single chemical incident, we oppose any sunseting of third-party audit requirements and insist that the EPA retains its original one accident, one audit requirement from the 2024 final rule.

We call on EPA to rescind this disastrous proposed rule, which is anything but common sense, and move forward with the 2024 Safer Communities by Chemical Accident Prevention final rule that is due to be implemented by May 2027. EPA has one job—to protect people and the environment—and it is time to start doing just that.



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ENDNOTES

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- ⁱ Environmental Protection Agency (EPA), Risk Management Program RMP Rule Overview, 2026, <https://www.epa.gov/rmp/risk-management-program-rmp-rule-overview>
- ⁱⁱ Federal Register, Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention, 2026, <https://www.federalregister.gov/documents/2026/02/24/2026-03633/accidental-release-prevention-requirements-risk-management-programs-under-the-clean-air-act-common>
- ⁱⁱⁱ Poly Processing, Why Are Water Treatment Plants Converting from Chlorine Gas to Bleach, 2018, <https://blog.polyprocessing.com/blog/water-treatment-plants-converting-chlorine-gas-bleach>
- ^{iv} Union of Concerned Scientists, Preventing Double Disasters, 2021, <https://www.ucs.org/sites/default/files/2021-07/preventing-double-disasters%20FINAL.pdf>
- ^v Science, Increased U.S. coastal hurricane risk under climate change, 2023, <https://www.science.org/doi/10.1126/sciadv.adf0259>
- ^{vi} Union of Concerned Scientists, Preventing Double Disasters, 2021, <https://www.ucs.org/sites/default/files/2021-07/preventing-double-disasters%20FINAL.pdf>
- ^{vii} Coalition to Prevent Chemical Disasters, Chemical Incident Tracker, 2026, <https://preventchemicaldisasters.org/chemical-incident-tracker/tracker>
- ^{viii} WVTF, Radford Arsenal says flooding from Hurricane Helene may have caused plastic chemicals to leak into New River, 2024, <https://www.wvtf.org/news/2024-11-11/radford-arsenal-says-flooding-from-helene-may-have-caused-plastic-chemicals-to-leak-into-new-river>
- ^{ix} Regulations.gov, Proposed Rule: Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention, 2022, <https://www.regulations.gov/document/EPA-HQ-OLEM-2022-0174-0003>
- ^x Coalition to Prevent Chemical Disasters, Chemical Incident Tracker, 2026, <https://preventchemicaldisasters.org/>
- ^{xi} Regulations.gov, Proposed Rule: Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention, 2022, <https://www.regulations.gov/document/EPA-HQ-OLEM-2022-0174-0003>
- ^{xii} American Chemistry Council, ACC RMP Coalition Letter to Lee Zeldin, 2025, <https://www.americanchemistry.com/better-policy-regulation/safety-security/facility-safety/resources/acc-rmp-coalition-letter-to-lee-zeldin>