

**U.S. Chemical Safety and
Hazard Investigation Board**

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Steve Owens
Chairperson

Sylvia E. Johnson, Ph.D.
Board Member



May 5, 2026

U.S. Environmental Protection Agency
EPA Docket Center
OLEM Docket
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington DC, 20460
(and via Federal eRulemaking Portal: <https://www.regulations.gov>)

Dear Sir or Madam:

Enclosed are the U.S. Chemical Safety and Hazard Investigation Board's (CSB) comments on the Environmental Protection Agency's (EPA) proposed rule, "Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention." The CSB's comments address several new issues presented by the EPA's proposed rule, as well as supplement previous comments submitted by the CSB on prior EPA proposals related to the Risk Management Program (RMP) rule.

The CSB thanks you for the opportunity to provide these comments. If you have any questions regarding the CSB's comments, or if we may be of further assistance, please contact Charles B. Barbee, Director of Recommendations, at (202) 380-7122 or via email at CSBRecommendations@csb.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Owens".

Steve Owens
Chairperson

A handwritten signature in blue ink, appearing to read "Sylvia E. Johnson".

Sylvia E. Johnson, Ph.D.
Board Member

Enclosure

cc: Stephen J. Klejst, Executive Director – Investigations & Recommendations, CSB

Introduction

The U.S. Chemical Safety and Hazard Investigation Board (CSB) is an independent nonregulatory federal agency charged with investigating, determining, and reporting to the public in writing the facts, conditions, and circumstances and the cause or probable cause of any accidental chemical release resulting in a fatality, serious injury, or substantial property damage. The CSB issues safety recommendations based on data and analyses from investigations and safety studies and advocates for these changes to prevent the likelihood or minimize the consequences of future accidental chemical releases.

The CSB has submitted comments on Requests For Information (RFIs) and Notices of Proposed Rulemaking (NPRMs) addressing the Environmental Protection Agency's (EPA) Risk Management Plan (RMP) rule in 2022, 2021, 2018, 2016, and 2014, all of which are enclosed. The purpose of the CSB's comments has been to improve the RMP rule based on the learnings from the CSB's investigations and recommendations. The CSB was encouraged by the EPA's 2024 Safer Communities by Chemical Accident Prevention RMP rule (2024 SCCAP RMP rule), which included critical requirements for Safer Technology and Alternatives Analysis (STAA), Third-Party Compliance Audits, and Employee Participation, along with amplifying regulatory text addressing Stationary Source Siting, Natural Hazards, and Power Loss. The 2024 SCCAP RMP rule represented significant progress, although it did not address every concern identified by the CSB.

The EPA's Notice of Proposed Rulemaking (NPRM) states that the proposed amendments to the RMP rule "seek to improve chemical process safety by avoiding duplicative requirements, realigning RMP requirements with Occupational Safety and Health Administration (OSHA) Process Safety Management (PSM) requirements, and eliminating unnecessary burdens placed on facilities where there is not specific data available to show that the current RMP standards would reduce or have reduced the number of accidental releases."

The EPA's proposed revisions would be a significant step backwards after more than a decade of safety progress toward preventing catastrophic chemical accidents. OSHA's PSM standard focuses exclusively on the protection of employees in the workplace. In contrast, the RMP rule provides protections not only for the employees at chemical facilities, but also the millions of people in communities near chemical facilities, as well as the environment. At some facilities both sets of regulations apply, but at other facilities only one (or neither) applies. Although the two regulations may have similar requirements in some cases, they drive very different outcomes. While some similarities are necessary to address facilities to which only one of the two sets of regulations apply, they are certainly not "duplicative." In fact, the purported alignment of the RMP rule with the OSHA PSM standard arguably would make them actually duplicative.

Although there is a vast amount of information that demonstrates why the current version of the RMP rule is necessary, the EPA is now proposing to rescind or weaken many of the requirements adopted in 2024, claiming that their effectiveness is unproven. Eliminating these requirements before they have been fully implemented industry-wide, however, eliminates the ability to measure their effectiveness.

The CSB's comments below are organized under the headings specified by the NPRM. The following comments address several aspects of the proposed rule including: #1 – Safer Technology and Alternatives Analysis (STAA), #3 – Third-Party Compliance Audits, #4 – Employee Participation, #5 – Community and Emergency Responder Notification, #6 – Stationary Source Siting, #7 – Natural Hazards, #8 – Power Loss, #9 Declined Recommendations, #13 Retention of Hot Work Permits, Retail Facility Definition, and #17 – OTHER.

#1 – STAA

The EPA is proposing to rescind the requirements for STAA practicability assessments¹ and STAA implementation² for existing facilities in NAICS 324 and 325 operating Program 3 processes. The EPA is also proposing to apply an initial STAA evaluation for facilities that have new Program 3 processes, regardless of NAICS code.³

The CSB has urged the EPA to promulgate rules requiring the use of inherently safer technology and design for covered facilities for more than a decade, specifically in the CSB's comment letters dated October 29, 2014; May 10, 2016; July 20, 2018; July 30, 2021; and October 26, 2022. Moreover, since the CSB's October 2022 comments, the CSB has issued additional recommendations related to STAA in connection with several of the agency's investigations:

- Cuisine Solutions Ammonia Release⁴ (Recommendation No. 2024-03-I-VA-R3),
- Marathon Martinez Renewables⁵ (Recommendation No. 2024-01-I-CA-R1),
- TPC Port Neches Explosion and Fire⁶ (Recommendation No. 2020-02-I-TX-R1), and
- Yenkin-Majestic Resin Plant Vapor Cloud Explosion and Fire⁷ (Recommendation No. 2021-04-I-OH-R3).

The CSB disagrees with the EPA's proposed rescission of the current STAA requirements.

To be clear, however, the CSB supports expanding STAA requirements to all Program 3 processes regardless of NAICS code. Therefore, the CSB urges the EPA to abandon the

¹ 40 CFR 68.67(c)(9)(ii)

² 40 CFR 68.67(h)

³ 40 CFR 68.175(e)(7)

⁴ <https://www.csb.gov/cuisine-solutions-ammonia-release/>

⁵ <https://www.csb.gov/marathon-martinez-renewable-fuels-fire-/>

⁶ <https://www.csb.gov/tpc-port-neches-explosions-and-fire/>

⁷ <https://www.csb.gov/yenkin-majestic-resin-plant-vapor-cloud-explosion-and-fire/>

revisions and modifications proposed in the NPRM and instead expand the existing STAA requirements to cover all Program 3 processes regardless of NAICS code.

Additionally, the CSB urges the EPA to adopt the concept of ‘heightened risk’ to address facilities with Program 3 processes with unacceptable performance as demonstrated by failures in compliance and/or incidents. The EPA should recognize any facility which has had an RMP reportable release as one with ‘heightened risk’ and address these facilities accordingly.

#3 – Third-Party Compliance Audits

The EPA has presented two proposals in the NPRM addressing the requirements for third-party compliance audits. The first proposal is to rescind the requirement that facilities utilize third-party compliance audits. The second proposal is to require third-party audits only for facilities with two reportable accidental releases during a five-year period, require data on the third-party audits to be submitted to the EPA, and put in place a sunset provision after the regulations have been in effect for 10 years. If the second proposal is selected, the requirement would terminate after ten years, regardless of what the data show, and a completely new rulemaking would be required to reinstate it.

The CSB has called on the EPA to implement requirements for third-party audits since 2014, including in the following CSB comment letters: October 29, 2014; May 10, 2016; July 20, 2018; and October 26, 2022.

Through its investigations the CSB has found that internal company process safety management audits often fail to identify systematic deficiencies. Indeed, a lack of effective compliance audits continues to be a factor in many of the CSB’s investigations, including most recently the CSB’s investigation of chlorine and hydrogen fluoride (HF) releases at the Honeywell Geismar facility.⁸

The Honeywell Geismar investigation was initiated in response to an incident that occurred on January 23, 2023, during which a reboiler exploded, releasing over 800 pounds of toxic HF and over 1,600 pounds of toxic chlorine gas. During the investigation, the CSB discovered a previous incident at the facility that occurred on October 21, 2021, in which an employee was fatally injured by a release of toxic HF. The CSB initiated an investigation into this incident as well. While the CSB was investigating these two incidents, a third incident occurred on June 7, 2024, in which a contract worker was seriously injured by a release of toxic HF. The CSB investigated this incident too.

Under the EPA’s first proposal in the NPRM to rescind the requirement for third-party audits, Honeywell would never be required to have a third-party compliance audit despite fatally injuring one employee, seriously injuring another worker, and experiencing a catastrophic loss of

⁸ <https://www.csb.gov/honeywell-geismar-chlorine-and-hydrogen-fluoride-releases/>

containment and release of two RMP covered chemicals. For this and other reasons, the CSB urges the EPA to abandon its first proposal.

The EPA's second proposal to limit (and then eliminate) third-party audits, while nominally better than the first, also would ultimately be less effective in addressing such a situation as this. The current RMP rule requires third-party audits after one RMP reportable accidental release. According to records reviewed by the CSB during the investigation, Honeywell conducted internal audits of the Geismar facility in 2014, 2017, 2020, and 2023. Under the current RMP rule requirements the 2023 audit would have had to have been done by a third-party, rather than Honeywell itself, because of the 2021 accidental release at the Geismar facility. Even if a third-party audit might not have been completed in time to prevent the 2023 incident, it likely would have been done prior to the 2024 incident and potentially could have prevented that incident.

Under the EPA's second proposal in the NPRM, however, a third-party compliance audit would not have to be completed at the Honeywell Geismar facility until 2026 following the 2021 and 2023 incidents. There would be no requirement for an audit that could have prevented the third incident, which occurred in 2024, or mitigate the consequences of that incident.

Because of these concerns, the CSB disagrees with both options proposed by the EPA and urges that the existing requirements of 40 CFR 68.59 and 40 CFR 68.79 remain unchanged.

#4 – Employee Participation

The EPA proposes to rescind or modify several parts of the Employee Participation section of the existing RMP rule relating to training, hazard reporting, addressing recommendations and findings, and stop work authority. The CSB has commented on this topic in the agency's previous comment letters dated October 29, 2014, and October 26, 2022.

The CSB comments on each individual topic that would be affected by the EPA's proposal are detailed below:

Training

The EPA is proposing to rescind the training requirements for employee participation for facilities operating Program 2 and Program 3 processes.

The CSB does not support the proposed rescission of the training requirements and believes that this training is essential to ensure that employees understand their rights and responsibilities under the owner or operator's employee participation plan and will lead to improved outcomes and efficiencies over leaving the employees to read and interpret the participation plan for themselves.

Hazard Reporting

The EPA is proposing to rescind the requirements for owners or operators of facilities with Program 2 or Program 3 processes to develop a process for employees to report unaddressed hazards, accidents, and other noncompliance.

The CSB does not support the rescission of these requirements. Reporting – and addressing – hazards, accidents, and other noncompliance is essential to prevent future accidental releases. Owners or operators should welcome the opportunity to address these matters before their persistence negatively affects the operation of their facilities or the surrounding community. To ensure this information is acted upon appropriately, a well thought out process is necessary. Without such a process, employees may fail to make timely reports of hazardous conditions and management may not become aware of them or act upon them effectively. Moreover, a reporting system will enhance the safety culture by removing barriers to communication.

Addressing Recommendations and Findings

The EPA is proposing to rescind the requirement for owners or operators to consult with employees on addressing recommendations and findings from PHAs, compliance audits, and incident investigations at facilities with Program 3 processes.

The CSB does not support the rescission of this requirement. The EPA asserts that the requirement is redundant because current requirements applicable to PHAs⁹, compliance audits¹⁰, and incident investigations¹¹ already require the involvement of at least one person knowledgeable in the process. The CSB disagrees with this rationale because the only requirement referenced by the EPA that uses the word “employee” is the one applicable to PHAs.

Further, the existing requirements do not specify the depth of involvement of “a person knowledgeable in the process.” As such, employees, or their representatives, could be involved in conducting these activities and generating recommendations and findings but left out of the decision of whether or how to implement these recommendations or findings. The existing requirement would prevent that. Given that the EPA recognizes the utility of involving employees in the decision-making process of matters affecting Program 3 processes, the EPA should ensure that those individuals remain involved until recommendations or findings are fully resolved.

Additionally, the CSB believes that § 68.79(b) and § 68.81(c) should be updated, specifically, to change the word “person” to “employee.” This would ensure that employees are involved in critical decisions.

⁹ 40 CFR 68.67(d)

¹⁰ 40 CFR 68.79(b)

¹¹ 40 CFR 68.81(c)

Stop Work Authority

The EPA is proposing to rescind the requirement for owners or operators to provide stop work authority to certain employees of facilities with Program 3 processes.

The CSB disagrees with the proposed rescission of this requirement. The CSB has advocated for stop work authority in the RMP rule since at least 2014. In the CSB's comment letter dated October 29, 2014, the CSB stated:

The representatives should also have the authority to stop work that is perceived to be unsafe or that presents a serious hazard until the regulator intervenes to address the safety concern.

The CSB reiterated its support for stop work authority in the agency's October 26, 2022, comment letter, stating:

In general, the CSB supports the EPA's proposal for stop work authority. The CSB has always stated that facilities must also have effective measures in place for incident prevention that will foster a "culture of safety" wherein workers are encouraged and empowered to advocate for their safety on the job. The CSB believes that any program that does not appropriately enable workers to feel free to exercise stop work authority in necessary circumstances would allow risks to occur and accumulate.

The CSB did not think the EPA went far enough to ensure stop work authority regulations in the current RMP rule and does not support the EPA's proposed erosion of the current authority. The EPA's stated rationale for proposing this rescission is that adequate stop work authority effectively exists because current requirements for operating procedures for normal, temporary, and emergency operations – as well as mechanical integrity procedures – already presumably ensure that equipment deficiencies are corrected in a safe and timely manner. The CSB disagrees with the EPA's position. Just since the CSB's 2022 comments, the CSB has completed additional investigations that have involved stop work authority:

- Kuraray Pasadena Release and Fire¹²
- BP Husky Oregon Chemical Release and Fire¹³

These incidents demonstrate how over-reliance on operating and/or mechanical integrity procedures to empower employees to act upon unsafe conditions to prevent accidental releases is not effective. As has often been the case, the operating procedures applicable to the events involved in these incidents did not provide the kind of information that is critical for the recognition and resolution of process hazards capable of producing accidental releases.

¹² <https://www.csb.gov/kuraray-pasadena-release-and-fire/>

¹³ <https://www.csb.gov/bp--husky-oregon-chemical-release-and-fire-/>

In the Kuraray investigation, the CSB found that employees were specifically prohibited from activating a safeguard without supervisory approval that would have prevented the consequences of the incident. The safeguard, referred to as the “Emergency Open Valve,” would have directed the flammable ethylene discharged from the facility’s reactor to the flaring system rather than to the open air where it ignited in an uncontrolled manner, resulting in multiple employee injuries and significant property damage. At the time of the incident, an operator would have had to fill out a form, obtain supervisory approval, and then remove two physical barriers before being able to utilize the emergency open valve. Rather than empowering employees to act to prevent accidental releases, Kuraray’s operating procedures actually hindered those efforts.

Rather than rescind the modest stop work authority afforded to the limited number of employees in the current RMP rule, the CSB urges the EPA to expand this authority and reiterates its comments from the agency’s October 26, 2022, comment letter.

#6 – Stationary Source Siting

The EPA is proposing to rescind regulatory text that amplifies the phrase “stationary source siting.” This text appears in the requirements for hazard reviews conducted at facilities with Program 2 processes¹⁴ and process hazard analyses conducted at facilities with Program 3 processes¹⁵. The text appears at 40 CFR 68.50(a)(6) and 40 CFR 68.67(c)(5) respectively and states that stationary source siting includes:

the placement of processes, equipment, and buildings within the facility, and hazards posed by proximate stationary sources, and accidental release consequences posed by proximity to the public and public receptors.

The EPA’s proposed rescission of this text is based in part on the EPA’s view that the RMP rule should be consistent with OSHA’s PSM Standard. The EPA acknowledges, however, that consistency between the RMP rule and the PSM Standard is not required. The EPA also acknowledges that the benefit of increased compliance among facilities can outweigh the inconvenience of inconsistency between the RMP rule and PSM Standard. The CSB believes that the clarity offered to the regulated community by maintaining the current text far outweighs perceived inconvenience due to any inconsistency that may exist between the RMP rule and PSM Standard.

The CSB commented on this topic in the following agency letters dated October 29, 2014, and October 26, 2022. Moreover, several recent CSB investigations have involved stationary source siting:

- Husky Energy Superior Refinery Explosion and Fire¹⁶

¹⁴ 40 CFR 68.50

¹⁵ 40 CFR 68.67

¹⁶ <https://www.csb.gov/husky-energy-superior-refinery-explosion-and-fire/>

- Philadelphia Energy Solutions (PES) Refinery Fire and Explosions
- Watson Grinding Fatal Explosion and Fire¹⁷
- United States Steel Corporation Clairton Plant Coke Oven Explosion¹⁸ (ongoing)

The CSB does not support the rescission of this amplifying regulatory text. Since 2014, the CSB has called upon the EPA to be more explicit regarding the expectation of owners or operators to evaluate stationary source siting during PHAs.

While previous versions of the RMP rule required owners or operators to evaluate stationary source siting when conducting hazard reviews and PHAs, the meaning of “stationary source siting” was not clear. The addition of the existing amplifying regulatory text was significant and helpful. The CSB believes that the text must be maintained to ensure that stakeholders understand what the regulation requires, to both encourage voluntary compliance and ensure consistent enforcement where voluntary compliance fails. The CSB urges the EPA to maintain the existing amplifying regulatory text addressing stationary source siting during hazard reviews and PHAs.

#7 – Natural Hazards

The EPA is proposing to rescind amplifying regulatory text that explicitly requires owners or operators to evaluate natural hazards during hazard reviews conducted at facilities with Program 2 processes and process hazard analyses at facilities with Program 3 processes.

The CSB has commented on this topic in the agency’s letters dated July 30, 2021, and October 26, 2022. The CSB does not support rescission of the amplifying text. The CSB is concerned with facility preparedness in the face of extreme weather, as well as the frequency of such events. These events often provide little warning, and predicting their severity is difficult. To mitigate the effect of chemical incidents due to extreme weather on both facilities and nearby communities, rigorous advanced planning is necessary.

As noted in the CSB’s investigation report on the Bio-Lab Lake Charles Chemical Fire and Release, the U.S. Government Accountability Office (GAO) published a report in 2022 titled *Chemical Accident Prevention: EPA Should Ensure Regulated Facilities Consider Risks from Climate Change*¹⁹. GAO concluded that “[t]he RMP rule does not explicitly require a facility to consider natural hazards or climate change as part of its risk management program.” In the report GAO issued six recommendations to the EPA. One such recommendation was for the EPA to issue regulations, guidance, or both, to clarify requirements and provide direction for RMP facilities on how to incorporate risks from natural hazards and climate change into their risk management programs.

¹⁷ <https://www.csb.gov/watson-grinding-fatal-explosion-and-fire/>

¹⁸ <https://www.csb.gov/united-states-steel-corporation-clairton-plant-coke-oven-explosion/>

¹⁹ <https://www.gao.gov/products/gao-22-104494>

The EPA's NPRM states that evaluating external hazards, such as natural hazards, as part of a hazard review or PHA is a long-standing and well-documented requirement for both Program 2 and Program 3 processes. This is at odds with GAO's conclusion. The CSB urges the EPA to maintain the existing amplifying regulatory text addressing natural hazards during hazard reviews and PHAs.

#8 – Power Loss

The EPA is proposing to rescind amplifying regulatory text that explicitly requires owners or operators to evaluate power loss during hazard reviews conducted at facilities with Program 2 processes and process hazard analyses at facilities with Program 3 processes. The EPA is also proposing to rescind the requirements for standby or backup power for monitoring equipment associated with the prevention and detection of accidental releases from covered processes.

The CSB disagrees with the proposed rescission of this amplifying regulatory text and the proposed rescission of the requirements for standby or backup power for monitoring equipment associated with the prevention and detection of accidental releases from covered processes. As noted in the CSB's October 26, 2022, comment letter, power loss has caused or contributed to the severity of several incidents investigated by the CSB, including the Millard Refrigerated Services Ammonia Release²⁰ and Arkema Inc. Chemical Plant Fire investigations. To ensure the effective prevention of accidental releases such as the ones addressed in these investigations, owners or operators must consider the effect that power loss will have on their processes and prepare accordingly.

Additionally, the CSB believes that the EPA should consider expanding the requirement for standby or backup power for monitoring equipment associated with the prevention and detection of accidental releases from covered processes to apply to more than just monitoring equipment. The CSB acknowledges the importance of monitoring equipment in preventing accidental releases but believes that the RMP rule should require safeguards that actually prevent or mitigate the consequences of accidental releases.

The CSB's investigation into the Philadelphia Energy Solutions (PES) Refinery Fire and Explosions illustrated how the failure to supply back up power to a critical safeguard during an emergency adversely affected the mitigation of the accidental release. During this incident an explosion caused the loss of primary power to the refinery's water spray system intended to mitigate the release of toxic hydrofluoric acid (HF) from the facility's alkylation unit. The equipment's back up power also failed. Control room operators attempted to activate the system but were unsuccessful. It wasn't until approximately forty minutes later that an employee in firefighting gear was able to reach the manual valve and activate the water mitigation system. If

²⁰ <https://www.csb.gov/millard-refrigerated-services-ammonia-release/>

not for this employee's extraordinary effort, the system may never have been activated, and toxic HF may have impacted the surrounding community.

The CSB believes that not only should the existing requirements to supply standby or back up power be maintained, but these requirements should also be expanded to include safeguards necessary for the prevention or mitigation of accidental releases. These critical safeguards would be identified by owners or operators during hazard reviews and PHAs and would not necessarily have to include every safeguard installed in a process, just those which are critical. The CSB urges the EPA to consider this improvement to the RMP rule and to maintain the existing amplifying regulatory text explicitly requiring owners or operators to evaluate power loss as well as the requirements for standby or backup power for monitoring equipment associated with the prevention and detection of accidental releases from covered processes.

#9 – Declined Recommendations

The EPA is proposing to rescind the requirements for documenting declined recommendations from hazard reviews and PHAs that address natural hazards, power loss, and siting, as well as from identified gaps between Recognized and Generally Accepted Good Engineering Practices (RAGAGEP) used to design and construct a process as opposed to the most current version of that applicable RAGAGEP.

The CSB does not support rescinding the requirement for publicly document justifications for declined recommendations or the rationale used as the basis for the rescission. The requirement establishes much needed accountability to the public who would be negatively impacted by a declined recommendations from a hazard review or PHA. The CSB urges the EPA to maintain the requirements for documenting declined recommendations.

#13 – Retention of Hot Work Permits

The EPA proposes to rescind the three-year retention period for hot work permits and reinstate the requirement to keep the permit on file only until completion of the hot work operations, consistent with OSHA PSM requirements at 29 CFR 1910.119(k)(2).

The CSB does not support rescinding the requirement to retain hot work permits. Collecting, reviewing, and analyzing operational documentation, which often includes hot work permits, is critical to identifying the cause or probable cause of a chemical release and the circumstances relating to the release. The CSB urges the EPA to maintain the existing requirements for retaining hot work permits.

#14 – Retail Facility Definition

The EPA has determined that the definition of “retail facility” may not be thorough enough to cover all scenarios and is proposing further clarity of language, in particular regarding new

facilities. The CSB commented on this topic in the agency’s letters dated October 29, 2014, and October 26, 2022. The CSB supports further clarifying the definition of “retail facility.”

#17 – OTHER

#17a Reactive Hazards

The CSB urges the EPA to expand coverage of the RMP rule to include reactivity hazards consistent with the intent of CSB Recommendation No. 2001-H-R3, which the CSB issued to the EPA in the 2002 hazard investigation study, *Improving Reactive Hazard Management*²¹, and has reiterated frequently since then. The text of this recommendation is as follows:

Revise the Accidental Release Prevention Requirements, 40 CFR 68, to explicitly cover catastrophic reactive hazards that have the potential to seriously impact the public, including those resulting from self-reactive chemicals and combinations of chemicals and process-specific conditions. Take into account the recommendations of this report to OSHA on reactive hazard coverage. Seek congressional authority if necessary to amend the regulation.

This recommendation is currently designated with the status “Open – Acceptable Response or Alternate Response.” The EPA has advised the CSB that the EPA intends to review the list of RMP-regulated substances with consideration for addressing reactive hazards²², and the CSB encourages the EPA to do so. The CSB would welcome an update on the progress of the EPA’s activity in this regard, or any planned alternatives.

#17b Ammonium Nitrate

The CSB urges the EPA to expand coverage of the RMP rule to include fertilizer grade ammonium nitrate (FGAN) consistent with the intent of CSB Recommendation No. 2013-02-I-TX-R3, which the CSB issued to the EPA from the *West Fertilizer Explosion and Fire* investigation. The text of this recommendation is as follows:

Revise the Risk Management Program rule to include fertilizer grade ammonium nitrate (FGAN) at an appropriate threshold quantity on the List of Regulated Substances.

- a. Ensure that the calculation for the offsite consequence analysis considers the unique explosive characteristics of FGAN explosions to determine the endpoint for explosive effects and overpressure levels. Examples of such analyses include that adopted by the 2014 Fire Protection Research Foundation report, “Separation Distances in NFPA

²¹ <https://www.csb.gov/improving-reactive-hazard-management/>

²² Proposed Rule *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safe Communities by Chemical Accident Prevention*, published on August 31, 2022, in 87 Fed. Reg. Pages 53556 – 53616

Codes and Standards,” Great Britain’s Health and Safety Executive, and other technical guidance.

- b. Develop Risk Management Program rule guidance document(s) for regulated FGAN facilities.

This recommendation is currently designated with the status “Open – Acceptable Response or Alternate Response.” The CSB encourages the EPA to continue its stated intention to review the list of RMP-regulated substances with ammonium nitrate as a “priority chemical”²³. The CSB would welcome an update on the progress of the EPA’s activity in this regard, or any planned alternatives.

#17c Flammable Liquids

The CSB urges the EPA to expand coverage of the RMP rule to include flammable liquids, including mixtures, consistent with the intent of CSB Recommendation No. 2019-01-I-TX-R8, which was issued to the EPA in 2023 from the *Intercontinental Terminals Company (ITC) Tank Fire* investigation²⁴. The text of this recommendation is as follows:

Modify 40 C.F.R. §68.115(b)(2)(i) to expand coverage of the RMP rule to include all flammable liquids, including mixtures, with a flammability rating of NFPA-3 or higher.

This recommendation is currently designated with the status “Open – Awaiting Response or Evaluation/Approval of Response.” The CSB encourages the EPA to respond to this recommendation as soon as possible.

#17d Remote Isolation of Process Equipment

The CSB urges the EPA to expand the requirements for hazard reviews and process hazard analyses to include an evaluation for the need for remote isolation devices for major process equipment consistent with the intent of CSB Recommendation No. 2024-01-H-R2, which the CSB issued to the EPA in the 2024 safety study, *CSB Safety Study: Remote Isolation of Process Equipment*²⁵. The text of this recommendation is as follows:

Update the Risk Management Program (RMP) rule by expanding the requirements of 40 CFR Part 68 to include an evaluation of the need for remote isolation devices for major process equipment that can be remotely activated from a safe location or automatically activated during a release. The evaluation should be included in hazard assessments, hazard reviews, and process hazard analyses.

²³ Proposed Rule *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safe Communities by Chemical Accident Prevention*, published on August 31, 2022, in 87 Fed. Reg. Pages 53556 – 53616

²⁴ <https://www.csb.gov/intercontinental-terminals-company-itc-tank-fire/>

²⁵ <https://www.csb.gov/csb-safety-study-remote-isolation-of-process-equipment/>

This recommendation is currently designated with the status “Open – Awaiting Response or Evaluation/Approval of Response.” The CSB encourages the EPA to respond to this recommendation as soon as possible.

Conclusion

The updated RMP rule issued in March 2024 contains important provisions to help prevent catastrophic accidental chemical releases by requiring owners or operators to implement STAA and engage third parties for compliance audits under certain circumstances. The updated rule also contains important amplifying regulatory text which provides clarity to the regulated community on the steps necessary to effectively comply with long existing often misunderstood regulations.

The CSB urges the EPA to continue to emphasize the prevention of accidental releases and not, as proposed in the NPRM, weaken the current requirements or remove current information in the RMP rule. Achieving a nation free from chemical disasters requires effective regulation, as well as requirements that encourage chemical facilities to take proactive steps to prevent chemical releases and implement effective safety procedures and safeguards. For regulation to be effective, it must reflect best practices, encourage continuous improvement, and be understood by the regulated community. The changes proposed in the NPRM would hinder, rather than promote, these objectives.

The CSB appreciates the opportunity to provide comments and looks forward to a continued dialogue with the EPA on these matters.