December 21, 2025

Administrator Lee Michael Zeldin
Environmental Protection Agency
EPA Docket Center, OAR Docket
Mail Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attention: Docket ID No EPA–HQ–OAR–2025–0299
Submitted to the Federal eRulemaking Portal (www.regulations.gov)

Re: Comments on EPA's Proposed and Direct Final Rules for Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements to Conform to the 2024 OSHA Hazard Communication Standard. Docket ID No. EPA-HQ-OLEM-2025-0299, 90 Fed. Reg. 219, 51266 & 51187 (November 17, 2025).

Dear Administrator Zeldin,

The American Petroleum Institute ("API") appreciates the opportunity to comment on the U.S. Environmental Protection Agency's ("EPA" or "Agency") proposed rulemaking entitled Technical Amendments to the EPCRA Hazardous Chemical Inventory Reporting Requirements to Conform to the 2024 OSHA Hazard Communication Standard. These proposed changes were issued both as a direct final rule and proposed rule in November 17, 2025, Federal Register.

API is the national trade association representing America's oil and natural gas industry. API's members are producers, refiners, suppliers, retailers, pipeline operators, and marine transporters, as well as service and supply companies, providing much of our nation's energy. API was formed in 1919 as a standards-setting organization and is the global leader in convening subject matter experts across the industry to establish, maintain, and distribute consensus standards for the oil and natural gas industry. API has developed more than 800 standards to enhance operational safety, environmental protection, and sustainability in the industry.

API appreciates EPA's efforts to align with the OSHA Hazard Communication Standard, which helps workers understand chemical hazards through clear labeling and safety data sheets, and by categorizing chemicals for consistent risk communication. However, the Agency's direct final rule does not fully account for the significant changes required by state agencies and regulated facilities for the 2026 reporting cycle. Additionally, the proposed rule exceeds what is necessary for harmonization.

API proposes that EPA withdraw and take comments on the proposed rule to ensure a pragmatic and practical path can be established for the harmonization efforts. API provides technical comments to address these concerns and suggests a practical path forward.

COMMENTS

A. EPA must withdraw the direct final rule with its impossible compliance deadlines for the 2026 reporting cycle. State agencies and regulated facilities cannot implement the required changes needed to comply with Reporting Year 2026 deadlines.

EPA states that the changes proposed in the direct final rule "do not create any additional requirements on affected facilities" (FR51189 & 51269) which is incorrect. Revisions to the EPCRA hazard categories will require extensive changes on the part of both State agencies and regulated facilities. At a minimum, a facility must reclassify all their chemicals according to the new hazard categories and update Safety Data Sheets (SDS) inventory records based on these new definitions. Moreover, they must incorporate the new hazard categories as well as revise their internal electronic reporting systems to match the SARA Tier I and II reporting systems.

It is important to understand that the information updates to SDSs is the responsibility of the manufacturers who must comply with the 2024 OSHA Hazard Communication Standard. Per the revised OSHA standard, chemical manufacturers, importers, and distributors have until January 19, 2026 (for chemical substances) and to July 19, 2027 (for mixtures) to comply with the OSHA 2024 rule. Employers also have an additional six months (July 20, 2026, for substances and January 19, 2028, for mixtures) to come into compliance with the OSHA Rule. *EPA must recognize that compliance dates for OSHA 2024 standard are later than the direct final and proposed EPCRA rule changes.*

State agencies must also update their electronic reporting systems to match these revisions such that there are appropriate fields in the database system for facilities to report in the correct categories. Further, they must revise guidance and training materials for their Local Emergency Planning Committees (LEPCs).

These are not insignificant tasks by either affected party and will take months to complete. The effective date for the direct final rule is January 16, 2026, with subsequent compliance date of December 1, 2026. States must complete their SARA reporting software changes by March 1, 2026, for the next year's reporting cycle. Moreover, the compliance dates are prior to the compliance dates of the OSHA standard. *It is impossible to implement the required changes specified in the direct final rule for the 2026 reporting cycle*. It is also important to note that EPA has not recognized the costs and burdens associated with the changes. This accentuates EPA's flawed logic in issuing a direct final rule.

API proposes that EPA withdraw and take comments on the proposed rule to ensure a pragmatic and practical path can be established for the harmonization efforts.

B. The current Tier II reporting system hazard chemical categories are sufficient with respect to reporting. Expanded granularity requires extensive revision to electronic systems with little value to first responders who use the SDS as primary resource,

It is important to recognize that the new expanded OSHA hazard classifications is simply a more granular version of the existing categorizations. Table 1 (attached) demonstrates that the existing categories are sufficient to capture the types of hazardous chemicals in the site inventory. The new categories are simply a sub-categorization of existing classifications.

EPA stated that the new categories will improve first responders' recognition of hazards and have more complete information for their response actions and planning. That is not in dispute, however, first responders ask first for the SDS and use that as their primary reference source during an incident. As such, expanding the Tier II reporting system offers little value in such an aggressive compliance timeframe as proposed by the direct final rule.

A case can be made that changes to SDS are sufficient, however, alignment of Tier II reporting system could be completed with an appropriate compliance timetable. API proposes a minimum of 3 years to update SDSs and 5 years to allow changes to Tier II reporting.

C. EPA must embark on a larger stakeholder engagement to ensure practical regulations for this harmonization effort are completed.

The proposed changes will require significant updates to facility inventories, safety data sheets, and state/local reporting systems. These are not minor technical adjustments, but substantive changes that will impose considerable costs and operational burdens on regulated entities and agencies. We urge EPA to engage with stakeholders—including state agencies, emergency planners, and industry representatives—to develop a realistic implementation timeline and provide clear guidance and outreach

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Thank you for the opportunity to submit these comments. We look forward to further engagement with the Agency as the process of this rulemaking progresses. Please do not hesitate to contact Derek Reese at ReeseD@api.org if you have questions or need more information.

Respectfully submitted,

J Derek Reese

Derek Reese
Senior Policy Advisor
American Petroleum Institute

Table 1
Summary of Proposed Changes to Hazard Categories

Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OHSA hazard category)	Notes about changes to EPCRA hazard categories
Acute Toxicity (any route of exposure)	Acute Toxicity, Oral—Category 1 Acute Toxicity, Oral—Category 2 Acute Toxicity, Oral—Category 3 Acute Toxicity, Oral—Category 4 Acute Toxicity, Dermal—Category 1 Acute Toxicity, Dermal—Category 2 Acute Toxicity, Dermal—Category 3 Acute Toxicity, Dermal—Category 4 Acute Toxicity, Inhalation—Category 1 Acute Toxicity, Inhalation—Category 2 Acute Toxicity, Inhalation—Category 3 Acute Toxicity, Inhalation—Category 4	Including the OSHA classes and categories for these health hazards from Appendix A.1 to create twelve EPCRA hazard categories.
Aspiration Hazard	Aspiration Hazard—Category 1	No changes
Carcinogenicity	Carcinogenicity—Category 1 Carcinogenicity—Sub-Category 1A Carcinogenicity—Sub-Category 1B Carcinogenicity—Category 2	Including the OSHA categories for this hazard class from Appendix A.6 to create four EPCRA hazard categories.
Germ Cell Mutagenicity	Germ Cell Mutagenicity—Category 1 Germ Cell Mutagenicity—Sub-Category 1A Germ Cell Mutagenicity—Sub-Category 1B Germ Cell Mutagenicity—Category 2	Including the OSHA categories for this hazard class from Appendix A.5 to create four EPCRA hazard categories.
Reproductive Toxicity	Reproductive Toxicity—Category 1 Reproductive Toxicity—Sub-Category 1A Reproductive Toxicity—Sub-Category 1B Reproductive Toxicity—Category 2 Reproductive Toxicity—Effects on or via lactation	Including the OSHA categories for this hazard class from Appendix A.7 to create five EPCRA hazard categories.
Respiratory or Skin Sensitization	Respiratory Sensitizer—Category 1 Respiratory Sensitizer—Sub-Category 1A Respiratory Sensitizer—Sub-Category 1B Skin Sensitizer—Category 1 Skin Sensitizer—Sub-Category 1A Skin Sensitizer—Sub-Category 1B	Including the OSHA classes and categories for these health hazards from Appendix A.4 to create six EPCRA hazard categories.

Table 1
Summary of Proposed Changes to Hazard Categories

Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OHSA hazard category)	Notes about changes to EPCRA hazard categories
Serious Eye Damage or Eye Irritation	Serious Eye Damage—Category 1 Eye Irritation—Category 2 Eye Irritation—Sub-Category 2A Eye Irritation—Sub-Category 2B	Including the OSHA categories for this hazard class from Appendix A.3 to create four EPCRA hazard categories.
Simple Asphyxiant	Simple Asphyxiant	No changes
Skin Corrosion or Irritation	Skin Corrosion—Category 1 Skin Corrosion—Sub-Category 1A Skin Corrosion—Sub-Category 1B Skin Corrosion—Sub-Category 1C Skin Irritation—Category 2	Including the OSHA classes and categories for these health hazards from Appendix A.2 to create five EPCRA hazard categories.
Specific Target Organ Toxicity (Single or Repeated Exposure)	Specific Target Organ Toxicity Single Exposure—Category 1 Specific Target Organ Toxicity Single Exposure—Category 2 Specific Target Organ Toxicity Single Exposure—Category 3 Specific Target Organ Toxicity Repeated or Prolonged Exposure—Category 1 Specific Target Organ Toxicity Repeated or Prolonged Exposure—Category 2	Separating the "single" and "repeated or prolonged" hazard classes. Including the OSHA classes and categories for these health hazards from Appendices A.8 and A.9 to create five EPCRA hazard categories.
Hazard Not Otherwise Classified (HNOC)	Hazard Not Otherwise Classified (HNOC)	No changes.
EPCRA Physical Hazard Categories		
Adopted in 2016	**Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OHSA hazard category)**	**Notes about changes to EPCRA hazard categories**
Flammable (gases, aerosols, liquids or solids)	Aerosols—Category 1 Aerosols—Category 2 Aerosols—Category 3	Aerosols are no longer reported under the flammable hazard category;

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Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OHSA hazard category)	Notes about changes to EPCRA hazard categories
	Chemicals Under Pressure—Category 1 Chemicals Under Pressure—Category 2 Chemicals Under Pressure—Category 3 Flammable Gases—Category 1A Flammable Gases—Category 1B Flammable Gases—Category 2 Flammable Gases—Chemically Unstable Gas—Category 1A/A Flammable Gases—Chemically Unstable Gas—Category 1A/B Flammable Gases—Pyrophoric Gas—Category 1A Flammable Liquids—Category 1 Flammable Liquids—Category 2 Flammable Liquids—Category 3 Flammable Liquids—Category 4 Flammable Solids—Category 1 Flammable Solids—Category 2	they are now in the Aerosols hazard class. Aerosols and Chemicals Under Pressure hazard classes now include flammable (Categories 1 & 2) and non-flammable hazards (Category 3). Pyrophoric gases are no longer an independent hazard class and are included in the flammable gases hazard class. Report under the Flammable Gases—Pyrophoric Gas hazard category. Chemically unstable gases (Categories A & B) are now included within the OSHA HCS flammable gases hazard category. Report under the appropriate Flammable Gases—Chemically Unstable Gas hazard category. Separating the OSHA "flammable" hazard classes. Including the OSHA categories for these physical hazard classes from Appendices B.2, B.3, B.6, and B.7 to create eighteen EPCRA hazard categories.
Combustible Dust	Combustible Dust	No changes.

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Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OHSA hazard category)	Notes about changes to EPCRA hazard categories
Corrosive to Metal	Corrosive to Metal—Category 1	Including the OSHA category for this physical hazard class from Appendix B.16.
Not a Hazard Category in 2012	Desensitized Explosives—Category 1 Desensitized Explosives—Category 2 Desensitized Explosives—Category 3 Desensitized Explosives—Category 4	New OSHA hazard class and categories. Formerly reported under Explosives hazard class. Including the OSHA categories for this physical hazard from Appendix B.17 to create four EPCRA hazard categories.
Explosives	Explosives—Unstable Explosives—Division 1.1 Explosives—Division 1.2 Explosives—Division 1.3 Explosives—Division 1.4 Explosives—Division 1.5 Explosives—Division 1.6	Desensitized explosives are no longer categorized as explosives they are now in the desensitized explosives hazard class. Including the OSHA categories for this physical hazard from Appendix B.1 to create seven EPCRA hazard categories.
Gases Under Pressure (compressed gas)	Gas Under Pressure—Compressed Gas Gas Under Pressure—Dissolved Gas Gas Under Pressure—Liquefied Gas Gas Under Pressure—Refrigerated liquefied gas	Including the OSHA categories for this physical hazard from Appendix B.5 to create four EPCRA hazard categories.
In Contact With Water, Emits Flammable Gases	In Contact With Water Emits Flammable Gases—Category 1 In Contact With Water Emits Flammable Gases—Category 2 In Contact With Water Emits Flammable Gases—Category 3	Including the OSHA categories for this physical hazard from Appendix B.12 to create three EPCRA hazard categories.

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Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OHSA hazard category)	Notes about changes to EPCRA hazard categories
Organic Peroxides	Organic Peroxides—Type A Organic Peroxides—Type B Organic Peroxides—Type C Organic Peroxides—Type D Organic Peroxides—Type E Organic Peroxides—Type F Organic Peroxides—Type G	Including the OSHA categories for this physical hazard from Appendix B.15 to create seven EPCRA hazard categories.
Oxidizer (liquid, solid, or gas)	Oxidizing Gases Oxidizing Liquids—Category 1 Oxidizing Liquids—Category 2 Oxidizing Liquids—Category 3 Oxidizing Solids—Category 1 Oxidizing Solids—Category 2 Oxidizing Solids—Category 3	Separating the OSHA *oxidizing* hazard classes. Including the OSHA categories for this physical hazard from Appendices B.4, B.13, and B14 to create seven EPCRA hazard categories.
Pyrophoric Gas	N/A: Not a hazard class in 2024 OSHA HCS.	No longer an independent hazard class. Report under Flammable Gas.
Pyrophoric (liquid or solid)	Pyrophoric Liquids—Category 1 Pyrophoric Solids—Category 1	Separating the OSHA *pyrophoric* physical hazard classes per Appendices B.9 and B.10, to create two EPCRA hazard categories. Including the OSHA category for these physical hazard classes from Appendices B.9 and B.10 to create two hazard categories.
Self-Heating Chemicals	Self-Heating Chemicals—Category 1 Self-Heating Chemicals—Category 2	Including the OSHA categories for this physical hazard from Appendix B.11 to create two EPCRA hazard categories.

Table 1
Summary of Proposed Changes to Hazard Categories

Adopted in 2016	Proposed in this action to conform with the 2024 OSHA HCS (OSHA hazard class—OHSA hazard category)	Notes about changes to EPCRA hazard categories
Self-Reactive Chemicals	Self-Reactive Chemicals—Type A Self-Reactive Chemicals—Type B Self-Reactive Chemicals—Type C Self-Reactive Chemicals—Type D Self-Reactive Chemicals—Type E Self-Reactive Chemicals—Type F Self-Reactive Chemicals—Type G	Including the OSHA categories for this physical hazard from Appendix B.8 to create seven EPCRA hazard categories.
Hazard Not Otherwise Classified (HNOC)	Hazard Not Otherwise Classified (HNOC)	No Changes