



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY 18 2016

OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

NOW THE
OFFICE OF LAND AND
EMERGENCY MANAGEMENT

The Honorable Fred Upton
Chairman
Committee on Energy and Commerce
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your May 6, 2016, letter requesting an extension of the comment deadline for the Accidental Release Prevention Requirements: Risk Management Programs under the Clean Air Act proposed rule. I appreciate your interest in ensuring adequate review of EPA's Risk Management Program proposal. As outlined below, the EPA conducted extensive outreach on the proposed rule, therefore I am respectfully denying the request.

In August 2013, President Obama issued Executive Order (EO) 13650, *Improving Chemical Facility Safety and Security*, to reduce risks associated with hazardous chemical incidents. The EO Working Group held webinars and several public listening sessions throughout the country [from November 2013 through February 2014] to discuss EO progress, provide updates on specific initiatives, and listen to specific concerns and suggestions from those directly involved with, and potentially impacted by, chemical facility safety and security incidents. The EO Working Group also published a preliminary list of options for improving chemical facility safety and security for stakeholder comment. Based on input from stakeholders, a Report for the President was developed. In the June 2014 Report for the President entitled *Actions to Improve Chemical Facility Safety and Security – A Shared Commitment*, modernizing the Risk Management Program (RMP) rule was identified as one of the top priorities to improve chemical facility safety and security. The EPA followed up on July 31, 2014, with a request for information (RFI), seeking comment on potential revisions to modernize its regulations, guidance, and policies.

In addition to publishing the RFI in the summer of 2014, the EPA has held numerous outreach meetings with state and local governments, including the National Association of SARA Title III Program Officials, the Association of State and Territorial Solid Waste Management Officials, the Environmental Council of States, the National League of Cities, the National Governors Association, and the U.S. Conference of Mayors. I also spoke at the National League of Cities Annual Congressional City Conference in March 2014. We have also engaged with EPA's Local Government Advisory Committee, a federal advisory committee made up of state, local and tribal elected and appointed officials. Under EPA's policy for implementing Executive Order 13132, formal Federalism consultation is triggered only if a rule is projected to reach \$25 million in state and local implementation costs, nationally, in any given year, or if current or future state or local law/regulation is preempted. While neither of these

conditions was determined to exist for the RMP proposal, the EPA actively sought input from state and local governments.

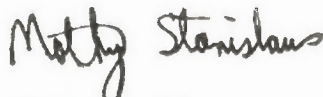
With respect to specific engagement on the proposed RMP rule elements, the EPA fully briefed on all elements of the rule through the Small Business Advocacy Review (SBAR) Panel starting in November 2015, which included representatives from the American Water Works Association, Manitowoc Public Utilities Water Department, Nebraska Fertilizer & Chemical Association, Ag Cooperative Safety Directors of Iowa, National Rural Electric Cooperative Association, Louisiana Chemical Association, and the City of Troy. We also have engaged the National Fire Protection Association. Finally, the EPA held a public hearing on March 29, 2016.

In addition to the proposed rule's 60-day comment period, the EPA made available a pre-publication version on EPA's website 18 days prior to that on February 25, 2016, along with many critical supporting documents, including the regulatory impact analysis, the technical background document, and the SBAR Panel final report and executive summary. Additionally, the pre-publication copy of the proposed rule contained numerous footnote references to supporting documents that have long been available, including reports of the Chemical Safety Board, EPA accident investigation reports, specific public comments on the RFI, technical reports, and journal articles.

Given the significant outreach efforts, we believe that EPA's RMP proposal reflects substantial input from state and local governments, as well as stakeholders, on the elements of the proposed rule to improve chemical process safety, assist local emergency authorities in planning for and responding to accidents, and improve public awareness of chemical hazards at regulated facilities. As such, we believe that the comment period's current closing date allowed sufficient time for all interested parties to develop and submit comments on the proposal, while also recognizing the important public health and safety needs that lead to this rulemaking proposal in the first place.

Again, thank you for your letter. If you have any questions you can contact me, or your staff may contact Carolyn Levine in EPA's Office of Congressional and Intergovernmental Relations at levine.carolyn@epa.gov or 202-564-1859.

Sincerely,

A handwritten signature in black ink that reads "Mathy Stanislaus". The signature is written in a cursive, slightly slanted style.

Mathy Stanislaus
Assistant Administrator
Office of Land and Emergency Management



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Chairman
Committee on Energy and Commerce
Subcommittee on Energy and Power
United States House of Representatives
Washington, D.C. 20515

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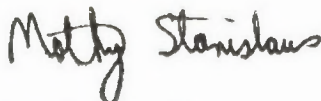
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