

May 11 ,2026

U.S. Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20460

Re: Docket No. EPA-HQ-OEM-2025–0313, Accidental Release Prevention Requirements:  
Risk Management Programs Under the Clean Air Act; Common Sense Approach to  
Chemical Accident Prevention

To whom it may concern.

Please find attached, the poultry and egg industry's response to the U.S. Environmental Protection Agency's (USEPA's) February 24, 2026, Proposed Rule, which proposes to amend its Risk Management Program (RMP) regulations by making several proposed changes to the 2024 Safer Communities by Chemical Accident Prevention (SCCAP) rule.

These comments are submitted on behalf of national and state organizations that support the poultry and egg industries. We appreciate the opportunity to provide comments on this proposed rule. If you should have any questions about our comments or need additional information, please contact Paul Bredwell at 678-514-1973 or via email at [pbredwell@uspoultry.org](mailto:pbredwell@uspoultry.org).

Sincerely,

U.S. Poultry & Egg Association

## Introduction

US Poultry & Egg Association (USPOULTRY) is the world's largest and most active poultry organization. Membership includes producers and processors of broilers, turkeys, ducks, eggs, and breeding stock, as well as allied companies. Formed in 1947, the association has affiliations in 26 states and member companies worldwide.

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### I. Background

On August 1, 2013, Executive Order (EO) 13650: Improving Chemical Facility Safety and Security was issued following several chemical facility incidents in the United States. The focus of EO 13650 was to reduce risks associated with hazardous chemicals to owners and operators, workers, and communities by enhancing the safety and security of chemical facilities.

On July 31, 2014, the Risk Management Program (RMP) Request for Information (RFI) was published in the Federal Register. The RFI sought comment on potential revisions to EPA's RMP regulations and related programs to modernize its regulations, guidance, and policies as required under the EO. The public comment period closed October 29, 2014. Following EPA's RFI and the seating of a panel made up of small businesses, governments, and not-for-profit organizations in November 2015, the EPA published the Proposed Rule: "Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7)" on March 14, 2016. The final rule was published on January 13, 2017. In February 2017, EPA received a petition from the RMP Coalition, representing several trade associations, requesting a reconsideration and request for stay for the RMP rule amendments.

After convening a proceeding to reconsider the RMP rule amendments, EPA published a final rule that delayed the effective date of the final rule until June 19, 2017. Following the submission of two additional petitions asking for a delay of the rule EPA published a proposed rule on April 3, 2017 to further delay the effective date of the RMP rule amendments for 20 months until February 19, 2019.

On May 17, 2018, EPA's Administrator signed a proposed rule requesting public comment on several proposed changes to the final RMP Amendments issued on January 13, 2017.

The 2017 Amendments rule contained various new provisions applicable to RMP-regulated facilities addressing prevention program elements, including STAA, incident investigation root cause analysis, third party compliance audits, emergency response coordination with local responders (including emergency response exercises), and availability of information to the public.

In December 2019, the EPA finalized revisions to the RMP regulations to reconsider the rule changes made in January 2017. The 2019 Reconsideration rule rescinded certain information disclosure provisions of the 2017 Amendments rule, rescinding most of the new accident prevention requirements added by the 2017 rule and modified other provisions of the 2017 Amendments rule.

The 2024 SCCAP rule was prompted by Executive Order (E.O.) 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” (86 FR 7037). E.O. 13990 directed Federal agencies to review existing regulations and take action to address priorities established by the former Administration, which included bolstering regulations in response to the impacts of climate change and prioritizing environmental justice. As a result, the EPA again made updates to the RMP regulations through the 2024 SCCAP rule. These revisions included several changes to the accident prevention program requirements, including STAA, root cause analysis, employee participation, third-party audit, emergency preparedness, and information availability requirements, as well as several other changes to certain regulatory definitions or points of clarification.

On January 20, 2025, President Trump issued E.O. 14148, titled “Initial Rescissions of Harmful Executive Orders and Actions” (90 FR 13037), which revoked E.O. 13990. On the same date, President Trump also issued E.O. 14154, “Unleashing American Energy”, which directed agencies (including the EPA) to review agency actions that potentially burden the development of domestic energy resources (90 FR 8353). In response, the EPA reviewed the 2024 SCCAP rule with respect to potentially burdensome requirements for facilities with processes in NAICS code 324 and, more specifically, facilities with processes in NAICS code 324 with hydrofluoric acid alkylation, a process used in petroleum refining. To align the RMP regulations with the Administration priorities outlined in E.O. 14148 and E.O. 14154, the Agency evaluated the RMP regulations and is proposing to take the actions set out in the preamble the proposed rule

Many of our member organizations are regulated by the Risk Management Program (RMP) regulations and are affected by the changes in the proposed rule titled Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention (Proposed Rule.)

The Proposed Rule aims to roll back or significantly scale back several major requirements that were introduced in the 2024 SCCAP rule. As a general comment the poultry & egg industry supports the primary goal of this rollback which is to reduce annual compliance costs and regulatory burden. As EPA notes in Table 2 the Proposed Rule will save industry up to \$241.9 million annually.

The following comments address specific requirements of the Proposed Rule:

### **#1 – STAA**

Wisley and with fact driven justification, the Proposed Rule rescinds the implementation of Safer Technologies and Alternatives Analysis (STAA). The \$208.9 million-dollar annual cost

imposed on industry that resulted from the 2024 SCCAP was groundless. In fact, studies show accidents declined 45% from 2014-2023. This suggests that existing performance-based safety systems were already successfully reducing incidents without the administrative burden of formal STAA.

Some of the new “safer” technologies are not yet mature. The lack of long-term performance data for these newer technologies lead safety professionals to argue that replacing a proven process with an unverified one could lead to unpredictable system failures. Furthermore, some “safer” designs add layers of automation or complex monitoring (like fence line monitoring) that can be difficult to calibrate and maintain, potentially leading to “alarm fatigue” or system-wide shutdowns.

Concern also arises from the threat of risk transfer. Reducing on-site chemical storage may force more frequent deliveries, shifting the risk from a static facility to public roads. Additionally, this increases the frequency of hazardous loading/unloading operations.

## **#2—Information Availability**

The poultry & egg industries agree with the Proposed Rule’s proposition to rescind multiple provisions on information availability from the 2024 SCCAP final rule, including notification of availability of information, timeframe to provide requested information, declined recommendations, access in multiple languages, recordkeeping, and documenting the notification method and location in the RMP.

The Agency proposes providing information to the public through the RPM Public Data Tool. This proposition enhances industry concerns over threats related to food security and terrorism. This will provide a road map to facilities that groups or individuals seeking to disrupt operations can covertly access. As the Proposed Rule correctly points out, “members of the public could still view risk management plans at Federal reading rooms, obtain risk management plan information from State or local government officials with RMP data access or submit a FOIA request to the EPA.” Ironically by limiting the access of RMP information in this way, the safety of the public is enhanced because it creates a record of individuals or groups accessing it, thereby reducing the threat of foul play initiated by opponents of the animal agriculture industry.

## **#3 – Third Party Compliance Audits**

The 2024 SCCAP rule implemented a requirement to conduct a third-party compliance audit for multiple reasons. The requirement for third-party audits has been implemented and rescinded and reinstated over many years. With this Proposed Rule, the Agency admits it has not been able to ascertain the benefit these third-party audits provide in relation to regulatory requirements. This admission alone justifies rescinding the requirement to conduct these audits.

As a rule, facilities subject to the requirements of RPM employ internal staff and specialized consultants that possess a deeper understanding of a plant's specific, complex processes than an outside auditor. In-house teams are intimately familiar with the facility's history, equipment quirks, and daily operational risks.

Most high-risk facilities are already subject to multiple layers of oversight, including OSHA Process Safety Management (PSM) audits and regular internal safety reviews. Forcing a third-party audit adds a redundant layer that often identifies the same issues already tracked by internal management systems.

### **#6 – Stationary Source Siting**

In some instances, poultry processing facilities are in areas that are surrounded by other industrial business or residential development that has encircled the facility due to developmental sprawl. New, safer technologies often require significantly larger equipment. Implementing STAA driven design changes after a process is operational often requires reconfiguring or rebuilding entire sections of the facility, which may be technically impossible without a total plant overhaul.

### **#10—Emergency Response Exercises**

In this Proposed Rule, EPA proposes to retain the Agency's emergency response exercise requirements from the 2024 SCCAP rule. Regarding this, EPA seeks comments on whether changes are needed to address the current lack of a mechanism for facility owners and operators to indicate an inability to coordinate with Local Emergency Planning Committee LEPCs despite a good faith effort to do so.

EPA correctly acknowledges that not all areas around the country have active LEPC's and in some areas where a LEPC may exist, they do not have the capacity to participate or coordinate with a facility in their exercise requirements. This is particularly true for the poultry and egg industries where many poultry companies have facilities that are in remote rural areas.

Should EPA require facilities to document a good faith effort to engage a LEPC without creating an undue administrative burden on a facility, the documentation should be straightforward and concise. This could be achieved by maintaining an Outreach log that includes the following information:

- Names and Contact information of the specific individuals contacted at the LEPC or local response agency.

- Dates when the coordination attempts occurred

- Nature of the exercise activities including the date of the exercise.

- Documentation of non-participation including the LEPC's reason not to participate.

- Meeting Records where request was made for the LEPC to participate.

## Conclusion

The poultry and egg industries appreciate the steps that USEPA has taken in the Proposed Rule to reduce the overly burdensome implementation requirements and financial liability that resulted from the publication of the 2024 SCCAP Rule. Additionally, the poultry and egg industries welcome the opportunity to provide these comments and look forward to working with EPA. If you have any questions regarding these comments or would like additional information, please contact Paul Bredwell at [pbredwell@uspoultry.org](mailto:pbredwell@uspoultry.org).

Respectfully submitted,

U.S. Poultry & Egg Association  
Tennessee Poultry Association  
Texas Poultry Federation