



May 19, 2017

***Submitted Electronically to EPA Docket***

Mr. James Belke  
Office of Land and Emergency Management  
Mail code 5104-A  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460-0001

**RE: Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Further Delay of Effective Date, Docket ID No. EPA-HQ-OEM-2015-0725**

Dear Mr. Belke:

The Vinyl Institute (VI)<sup>1</sup> is pleased to submit these comments to the U.S. Environmental Protection Agency in support of its delay of the implementation of changes to the Agency's Risk Management Program. The VI also supports the comments submitted by the American Chemistry Council on this issue. VI recognizes that the consequences of an uncontrolled release of highly hazardous chemicals can lead to catastrophic consequences. However, the fact that one consequence of a chemical release can be a catastrophic event and that catastrophic events sometimes occur does not mean further regulation is justified, especially when the event was caused by the criminal act of arson as in the case surrounding the West, Texas fertilizer explosion.

**Background**

The VI has filed two sets of comments<sup>2</sup> during the previous requests for input. Some of the key concerns expressed by the vinyl industry are summarized below:

- Any accidental release in one process area unnecessarily triggers a third-party audit on all processes at that site regardless of the planned audit schedule for those not affected;
- Regulatory overlap with OSHA PSM was not adequately addressed;

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<sup>1</sup> The Vinyl Institute (VI), a U.S. trade association founded in 1982, represents vinyl resin, monomer, and additive producers. The VI serves as the collective voice for the vinyl industry, engaging industry stakeholders in shaping the future of the vinyl industry. More information about the Vinyl Institute can be found on our website: [www.vinylinfo.org](http://www.vinylinfo.org).

<sup>2</sup> VI Letter to EPA Docket ID EPA-HQ-OEM-2015-0725, April 13, 2016, and VI letter to EPA Docket ID EPA -HQ-OEM-2014-0328, October 29, 2014.

- It is inappropriate and unnecessary to require any covered facilities to conduct a safer technology and alternatives analysis (STAA), including an evaluation of inherently safer technology (IST) because of an incident. As part of their accident prevention programs, companies that are in compliance already implement some version of a risk-based analysis, such as a “Layers of Protection Analysis” (LOPA), that is vastly preferable to IST.
- The extensive public disclosure requirements adopted would not provide emergency response benefits over and above the existing public and local emergency response disclosure requirements already in place under the Emergency Planning and Community Right-to Know Act, including quantities of hazardous chemicals stored or used on-site. Making additional information available to the public is likely to increase security concerns. In addition, we specifically object to disclosure of a facility’s root cause analysis as part of its RMP or five-year accident history.
- Finally, a public meeting should be triggered only by a major release or near miss.
- What appears to be missing from the rulemaking is an analysis of the overall effectiveness of the current chemical safety regulatory regime, why major incidents continue to occur, and what is the best mechanism for minimizing their frequency and severity in the most cost-effective manner consistent with EPA’s and OSHA’s statutory authorities.

The VI strongly supports efforts to promote and enhance safe chemicals management, but we believe the most effective way to achieve this is through existing regulatory requirements, voluntary outreach, educational and training efforts. We laud EPA’s decision to delay the effective date of this rulemaking and recommend the Agency take this time to consider the many comments provided by industry in greater detail. VI and its members remain ready and able to assist EPA with such efforts. We trust that these comments are helpful to EPA. Should there be any questions or a need for clarification, please feel free to contact me at 202-765-2287.

Sincerely,

Richard Krock  
Vice President, Regulatory and Technical Affairs