



# Proposed Rule Doesn't Consider the Latest Research, Threats to Communities, and Information Suppression

Environmental Data and Governance Initiative's Comment on the Environmental Protection Agency Proposed Rule: Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention (Docket ID No. EPA-HQ-OLEM-2025-0313)

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*The Environmental Data and Governance Initiative (EDGI) is a network of academics, technologists, and non-profit professionals that promotes communities' right to know, evidence-based policy-making, and public interest science. We document, contextualize, and analyze environmental data, information, and governance practices through multidisciplinary and cross-professional collaborative work. EDGI includes more than 100 members in North America residing in 15 U.S. states.*

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**The Environmental Data and Governance Initiative (EDGI) welcomes the opportunity to comment on the Environmental Protection Agency Proposed Rule: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention (Docket ID No. EPA-HQ-OLEM-2025-0313)**

## **A. Introduction**

The Environmental Data & Governance Initiative (EDGI) opposes the proposed weakening of Risk Management Programs under the Clean Air Act on the basis that the proposed rule provides inadequate justifications for limiting information availability; the proposed rule places first responders, facility workers, and fenceline communities in unnecessary risk; and information removals undermine the public's ability to comment on the proposed rule.

EDGI opposes the proposed limitations to RMP information availability as part of the proposed rule, in part because the EPA inadequately weighs the benefits of information provision to surrounding communities and relevant stakeholders against the possible harms. The agency's argument relies on concerns of criminal or terrorist activity as a result of information suppression, as well as assertions that information provision places an unjustifiable financial burden on RMP-regulated facilities. Our comment points to data and examples revealing how RMP information provision is necessary to keep communities, facility workers, first responders, and other stakeholders safe from possible harms, and how the financial burden of this information provision is negligible when contextualized against facility revenues.

Additionally, we point to instances of information suppression that undermine public comments on the proposed rule. In particular, we highlight how the removal of the Risk Management Program Public Data Tool in April 2025 undermines the public's ability to fully understand how information provision through the tool is changing, and to incorporate these concerns in their public comments. We also point to alterations to several federal webpages relevant to the proposed rule, which altered the information landscape, and impacted the ability to incorporate relevant information in public comments.

## B. #2—Information Availability

### Inadequate justification for changes to information availability

EPA doesn't substantiate assertion that security concerns necessitate limitation of RMP information availability

Throughout the proposed rule, the EPA frames its proposed drastic decreases to information access and availability through concerns of [“criminal” and “terrorist” activity](#) that this information may foster, without providing data-driven evidence supporting these concerns.<sup>1</sup> While mostly mentioned without evidence, EPA does point to a [Department of Justice \(DOJ\) report from 2000](#) in support of its rationale for ceasing to require owners or operators to provide publicly accessible RMP information.<sup>2</sup> The report's argument is based on the at-the-time assumption that terrorists may look to cause an industrial chemical release because they are unable to obtain weapons of mass destruction. However, the web and terrorism landscape have transformed greatly since the report's publication over 25 years ago. More recent literature qualifies that [accidental releases occur more frequently than intentional events](#),<sup>3</sup> meaning that pre-incident information including facility locations and possible disasters allow for community preparedness, [which the DOJ report also recognizes](#).<sup>4</sup> As a result, EPA's arguments on terrorist or criminal activity in relation to RMP information availability should be reflective of these benefits.

The points raised in the DOJ report about the scale of damage associated with chemical releases from terrorist threats also sit in direct contradiction to the rule's efforts to loosen

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<sup>1</sup> US EPA, “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention Request Access,” Federal Register, February 24, 2026, <https://www.federalregister.gov/documents/2026/02/24/2026-03633/accidental-release-prevention-requirements-risk-management-programs-under-the-clean-air-act-common#p-245>.

<sup>2</sup> US Dept of Justice, rep., *Department of Justice Assessment of the Increased Risk of Terrorist or Other Criminal Activity Associated with Posting Off-Site Consequence Analysis Information on the Internet*, April 2000, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/departments-justice-assessment-increased-risk-terrorist-or-other>.

<sup>3</sup> Holly Carter, John Drury, and Richard Amlôt, “Recommendations for Improving Public Engagement with Pre-Incident Information Materials for Initial Response to a Chemical, Biological, Radiological or Nuclear (CBRN) Incident: A Systematic Review,” *International Journal of Disaster Risk Reduction* 51 (December 2020), <https://doi.org/10.1016/j.ijdr.2020.101796>.

<sup>4</sup> US Dept of Justice, rep., *Department of Justice Assessment of the Increased Risk of Terrorist or Other Criminal Activity Associated with Posting Off-Site Consequence Analysis Information on the Internet*, April 2000, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/departments-justice-assessment-increased-risk-terrorist-or-other>, 8, 45.

requirements. The report, on which EPA bases its proposals for information availability, states that [“almost half of the worst case scenarios for toxic chemicals \(over 7,000\) project that over 1,000 people live within the distance to endpoint. While not everyone within the distance to endpoint would be killed, injured, or even affected by a worst case or alternative release, injury to even a small proportion of those individuals would constitute one of the worst terrorist incidents in U.S. history.”](#)<sup>5</sup> EDGI upholds that an event at one of these sites cannot simultaneously be catastrophic yet not destructive enough to maintain or even strengthen safeguards.

In addition to relying on an outdated report to make a connection between criminal activity and information availability, the proposed rule itself highlights a [study](#) the EPA cited in the final 2024 SCAPP rule showing that “no terrorist event in the process industries (excluding transportation and pipelines) has occurred in North America after the 1970s.”<sup>6</sup> Building off of this study, the 2026 proposed rule notes that [“at this time, the EPA is not aware of any new data showing a correlation between certain sensitive RMP data being made available to the public and increased criminal activity or intentional releases.”](#)<sup>7</sup> We are concerned that the Agency continues to lean on the reasoning of criminal activity, which has repeatedly been refuted, as the basis for significant changes to information availability through the Risk Management Plan Public Data Tool. We urge the Agency to reconsider its approach to information availability by either restoring the full functionality of the RMP Public Data Tool, or providing irrefutable evidence that doing so will put more people at risk than the benefits of informing the public about the full scope of RMP information.

## Cost savings of information limitations are minimal given relative costs to facilities

The Agency repeatedly cites the “burden” or “significant costs” of information requirements they are proposing to remove, but these costs are miniscule when analyzed in the context

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<sup>5</sup> US Dept of Justice, rep., *Department of Justice Assessment of the Increased Risk of Terrorist or Other Criminal Activity Associated with Posting Off-Site Consequence Analysis Information on the Internet*, April 2000, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/departement-justice-assessment-increased-risk-terrorist-or-other>, 13.

<sup>6</sup> Matteo Iaiani et al., “Analysis of Events Involving the Intentional Release of Hazardous Substances from Industrial Facilities,” *Reliability Engineering & System Safety* 212 (August 2021), <https://doi.org/10.1016/j.ress.2021.107593>.

<sup>7</sup> US EPA, “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention,” Federal Register, February 24, 2026, <https://www.federalregister.gov/documents/2026/02/24/2026-03633/accidental-release-prevention-requirements-risk-management-programs-under-the-clean-air-act-common#p-261>.

of the number of facilities and their individual revenues. In total, across all elements of the proposed rule, [cost savings are projected to be only \\$234.7-240.3 million per year at a 3% discount rate](#).<sup>8</sup> Divided equally across the 11,510 facilities registered in the RMP database in 2023, this means per-facility cost savings of only \$20,391-\$20,877. Looking at the costs of information sharing specifically, EPA estimates the annual cost of information availability requirements to be \$12.8 million. Again, dividing this across all 11,510 registered facilities gives a cost of only \$1,112 per facility per year. Looking at just a small sample of the regulated facilities, it becomes evident that this average \$1,112 information sharing cost per facility is miniscule in comparison to company yearly revenues. We see examples of companies or parent companies [operating RMP regulated facilities](#) that earn [billions of dollars in annual revenues](#).<sup>9,10</sup> As such, we emphasize that the monetary burden of information provision is negligible and insufficient reasoning for ceasing information requirements.

Finally, the Regulatory Impact Analysis for this rule, where the aforementioned information and methodology is detailed, should be made more accessible. At the very least, these items should be viewable in an online PDF reader from a link on the EPA website. Currently, the [link on the EPA website](#) takes users to regulations.gov where they are directed to [download an unnamed file](#) to access and view the document.<sup>11</sup> The Agency, seeking comment and feedback on the proposed rule should aim to make the review of their methodology as accessible as possible, to ensure commenters take the details outlined in the Regulatory Impact Analysis into account in their responses.

## Lack of data showing harms does not justify removing safeguards

The proposed rule posits that a lack of data showing that RMP standards reduce accidental releases justifies taking away safeguards, reasoning which we believe is fundamentally

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<sup>8</sup> US EPA, “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention Request Access,” Federal Register, February 24, 2026, <https://www.federalregister.gov/documents/2026/02/24/2026-03633/accidental-release-prevention-requirements-risk-management-programs-under-the-clean-air-act-common>.

<sup>9</sup> US EPA, “FRS Facility Detail Report,” United States Environmental Protection Agency, accessed May 11, 2026, [https://frs-public.epa.gov/ords/frs\\_public2/fii\\_query\\_detail\\_disp\\_program\\_facility?p\\_registry\\_id=110070400703](https://frs-public.epa.gov/ords/frs_public2/fii_query_detail_disp_program_facility?p_registry_id=110070400703).

<sup>10</sup> “Mazda Integrated Report 2025,” Mazda, December 2025, [https://www.mazda.com/content/dam/mazda/corporate/mazda-com/en/pdf/investors/library/integrated-report/ir2025e\\_all.pdf](https://www.mazda.com/content/dam/mazda/corporate/mazda-com/en/pdf/investors/library/integrated-report/ir2025e_all.pdf).

<sup>11</sup> US EPA, “Common Sense Approach to Chemical Accident Prevention Proposed Rule,” EPA, 2026, <https://www.epa.gov/rmp/common-sense-approach-chemical-accident-prevention-proposed-rule>.

harmful. The proposed rule states that one of its main objectives is to “[...eliminate unnecessary burdens placed on facilities where there are not specific data available to show that the current RMP standards would reduce or have reduced the number of accidental releases.](#)”<sup>12</sup> This objective erroneously interprets the implications of insufficient data and information showing harms: A lack of data should inform more robust data and information collection practices, not the removal of safeguards. We emphasize that ignorance to the reality of harms due to lack of data is not justification for loosening safeguards, and conversely, that this ignorance begs for more rigorous data and information collection to fully understand harms. Furthermore, given the proposals to decrease data collection and availability, the Agency risks creating a positive feedback loop, where ignorance (due to lack of data) is created and justifies more ignorance and lack of action.

## The agency uses a decrease in chemical release accidents before the 2024 SCCAP rule as justification for weakening requirements

The proposed rule states that because the number of accidents decreased from 147 within 12,396 registered facilities in 2014 to 81 within 11,510 registered facilities in 2023, stating “..it is clear that many of the sources subject to the 2024 SCCAP final rule prevention measures already had successful prevention programs in place.” However, chemical incidents continue to occur, again necessitating more data and access as opposed to less. According to the [Coalition to Prevent Chemical Disasters’](#) Chemical Incident Tracker, in 2025 there were 213 dangerous chemical incidents, with 66 incidents at RMP-registered facilities.<sup>13</sup> In the first five months of 2026 alone, there have already been 105 dangerous chemical incidents, including 26 incidents at RMP-registered facilities. Of these incidents in early 2026, 31 resulted in injuries, 24 triggered an evacuation, and 7 resulted in deaths. With over [1,300 chemical incidents, hundreds of communities evacuated, and dozens of lives lost since 2020 due to chemical incidents](#),<sup>14</sup> we view EPA’s claim of “already” successful prevention programs as justification for weakening requirements as severely falling short, when considering the data.

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<sup>12</sup> US EPA, “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention,” Federal Register, February 24, 2026, <https://www.federalregister.gov/documents/2026/02/24/2026-03633/accidental-release-prevention-requirements-risk-management-programs-under-the-clean-air-act-common#p-167>.

<sup>13</sup> Coalition to Prevent Chemical Disasters, “Chemical Incident Tracker,” Coalition to Prevent Chemical Disasters, accessed May 11, 2026, <https://pcdnew.comingcleaninc.org/chemical-incident-tracker/tracker>.

<sup>14</sup> Coming Clean, “Trump’s EPA Proposes Gutting Chemical Disaster Protections, Threatening Community Health and Safety,” Coming Clean Inc., February 19, 2026, <https://ej4all.org/news-and-media/news-item/954>.

## The proposed rule places workers, first responders, and communities in unnecessary harm

A main concern regarding the proposed rule is that the EPA's approach to information collection and application places facility workers, first responders, and communities in disproportionate and unnecessary harm. In the proposed rule, the EPA suggests that accidents should precede action, rather than the other way around: "[The EPA, therefore, now believes that it is more appropriate to take a performance-based approach to STAA. This will allow the Agency to focus compliance efforts on facilities that are having accidents, especially those having offsite impacts affecting the surrounding community without burdening those facilities that are not having accidents.](#)" This approach effectively undermines the purpose of the RMP by depending on accidents happening *before* taking action that prevents them. In turn, this communicates to facility workers, fenceline communities, and local first responders that their safety isn't worth proactive action.

There are numerous cases over the past decades that illuminate the necessity of strengthened Risk Management Program implementation. Following the 2013 West Fertilizer Company Explosion, the US Chemical Safety Board (CSB) [found several shortcomings](#) in federal and state regulations and standards that could have reduced the risk of another similar incident, including the Environmental Protection Agency's Risk Management Program.<sup>15</sup> Similarly, after Husky's Superior Refinery Explosion in 2018 the [CSB's investigation report](#) found that the refinery fell short of RMP requirements for systems for mitigating process hazards, as there were elements of the refinery's process and safety management systems that were not maintained, did not have proper training, or had unclear instructions, which contributed to the incident.<sup>16</sup>

Even within the duration of the comment period for this proposed rule we have seen examples of incidents where access to Risk Management Plans would have been instrumental. In the recent March 2026 explosion at the Valero refinery in Port Arthur, TX, the [refinery's Risk Management Plan](#) had already been taken offline as a result of the Administration's April 2025 removals, leaving the neighboring community and first responders without access to essential response information. Though the EPA states it is

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<sup>15</sup> US Chemical Safety Board, "West Fertilizer Explosion and Fire," CSB, January 28, 2016, <https://www.csb.gov/west-fertilizer-explosion-and-fire/>.

<sup>16</sup> US Chemical Safety Board, "Husky Energy Superior Refinery Explosion and Fire," CSB, December 29, 2022, <https://www.csb.gov/husky-energy-superior-refinery-explosion-and-fire/>.

“committed to safeguarding OCA information in accordance with requirements in the Chemical Safety Information,” the information at present is only accessible to the public in sparse Federal reading rooms or upon voluntary disclosure by the source itself, leaving communities without immediate access in the face of releases.

Considering EPA’s previously discussed argument that criminal or terrorist attacks on RMP facilities present potential for highly consequential destruction, EDGI again upholds that if the danger is enough to warrant this type of threat, the threat is equally strong enough that communities should have access to RMP information. A chemical release cannot be catastrophic enough that it is a target for terrorism, while simultaneously not catastrophic enough that people need to know about it.

In the final [2024 SCCAP Rule](#), EPA referenced an earlier assessment addressing the benefits of public disclosure of risk management plan information.<sup>17</sup> The Agency found that “public disclosure of RMPs including OCA information would likely lead to a [significant reduction in the number and severity of accidental chemical releases](#).”<sup>18</sup> Beyond this, EPA also found the disclosure of RMPs and widespread access to OCA information to actually further serve the function that Congress intended in the Clean Air Act Amendments: “to inform members of the public and allow them to participate in decisions that affect their lives and communities.” The assessment even notes that since the public is not likely to generate this type of information themselves, there is a positive relationship between broader access to OCA information and the likelihood of potential public safety benefits being realized.

As such, EDGI emphasizes that access to RMP data holds facilities accountable to communities, employees, first responders, and local governments. Analyzing this data enables groups to understand the process vulnerabilities or shortcomings that led to the very incidents that impact them. Not only is disclosure of RMPs upholding the Clean Air Act but also serving to reduce the frequency and severity of potential releases.

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<sup>17</sup> US EPA, “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention,” Federal Register, March 11, 2024, <https://www.federalregister.gov/documents/2024/03/11/2024-04458/accidental-release-prevention-requirements-risk-management-programs-under-the-clean-air-act-safer#p-643>.

<sup>18</sup> US EPA, “Assessment of the Incentives Created by Public Disclosure of Off-Site Consequence Analysis Information For Reduction in the Risk of Accidental Releases,” EPA, April 18, 2000, [https://www.epa.gov/sites/default/files/2014-01/documents/assessment\\_of\\_the\\_incentives\\_0.pdf](https://www.epa.gov/sites/default/files/2014-01/documents/assessment_of_the_incentives_0.pdf).

## Information removals undermine comments on information availability

Information supporting public commenters in their research and understanding of the proposed rule was already being made unavailable ahead of the public comment period. The removal of the [Risk Management Plan Data Tool from EPA's website in April 2025](#) prevents commenters from fully assessing the implications of changes to information availability.<sup>19</sup> Previously, this tool allowed the public to easily access detailed chemical hazard information, accident history, and emergency response information. However, a [coalition of industry groups in January 2025 asked for an immediate shut down and removal of the tool from EPA's website](#), again citing that the tool gave the public access to sensitive security information.<sup>20</sup> The administration complied with this request, and the tool has remained inaccessible over the past year. Remaining text on how to access [RMP data](#) simply [points users](#) to federal reading rooms,<sup>21</sup> the [Vulnerable Zone Indicator System](#),<sup>22</sup> or FOIA requests. Given the large geographic distances between federal reading rooms and the wait times for FOIA requests, the ability of individuals to access RMP data to support writing informed public comments was severely limited throughout this comment period.

Communities have a right to know this information. While the agency proposes making significant changes to the RMP Data Tool, including limiting search criteria and removing the mapping feature and explicitly requesting comment on the ["proposed changes to the RMP Public Data Tool and whether these changes satisfy the need for access to RMP information while addressing security concerns,"](#) it should be online and accessible to the public for people to fully assess the suitability of the proposed changes. With the tool offline, the public is unable to fully understand, and thus comment on, the way the tool is changing and how these changes will impact information availability. The RMP Data Tool should be brought back online, in order for the public to properly evaluate the proposed changes.

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<sup>19</sup> US EPA, "How to Access Risk Management Plan Information," EPA, 2025, <https://www.epa.gov/rmp/how-access-risk-management-plan-information>.

<sup>20</sup> Agricultural Retailers Association et al. to Lee Zeldin, "Industry Letter to Zeldin Re SCCAP Rollback," *Earthjustice*, January 30, 2025, <https://earthjustice.org/wp-content/uploads/2025/03/industry-letter-to-zeldin-re-sccap-rollback-jan.-2025.pdf>.

<sup>21</sup> US EPA, "Accessing RMP Data," EPA, 2025, <https://www.epa.gov/rmp/accessing-rmp-data>.

<sup>22</sup> US EPA, "Vulnerable Zone Indicator System," EPA, accessed May 11, 2026, <https://www.epa.gov/rmp/forms/vulnerable-zone-indicator-system>.

As a broader change altering the purpose of chemical safety, in October 2025 the “What We Do” description of the Office of Chemical Safety and Pollution Prevention was altered to [delete sentences](#) that described the office’s mission as preventing pollution and leaving “homes, schools and workplaces cleaner and safer.”<sup>23</sup> Also in October 2025, the [names and contact information](#) of all previously listed “Points of Contact” for the Chemical Safety for Sustainability Research Program were removed, making it even more difficult to have questions or concerns addressed regarding the proposed rule.<sup>24</sup> Similarly, EPA removed the mention of [environmental justice considerations](#) from its FY 2024 results for the National Enforcement and Compliance Initiative (NECI) for Chemical Accident Risk Reduction.<sup>25</sup> These actions all slowly altered the information landscape related to the proposed rule.

Finally, in regards to the rule itself, on the rule’s main page “Risk Management Program Safer Communities by Chemical Accident Prevention Final Rule,” text was altered in the 2024 Final Rule Overview section to [remove the words “climate change”](#) from the list of amendments, where it was previously listed as a requirement in evaluating risk.<sup>26</sup>

Before the announcement of the proposed rule the administration was already creating an information landscape where individuals and communities lacked access to chemical safety information, and where the goals of chemical safety at EPA were downplayed. Between hiding the RMP Data Tool and removing contact information for key offices, the proposed rule was announced at a time where access to information was already severely limited, thereby making the proposed changes in the rule seem like they are providing more access to information, when in reality the proposed changes are a limitation of the information and data that was previously available.

## C. Conclusion

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<sup>23</sup> US EPA, “About the Office of Chemical Safety and Pollution Prevention,” EPA, 2025, <https://www.epa.gov/aboutepa/about-office-chemical-safety-and-pollution-prevention>.

<sup>24</sup> US EPA, “About the Chemical Safety for Sustainability Research Program,” EPA, 2025, <https://www.epa.gov/aboutepa/about-chemical-safety-sustainability-research-program>.

<sup>25</sup> US EPA, “National Enforcement and Compliance Initiative: Chemical Accident Risk Reduction,” EPA, 2025, <https://www.epa.gov/enforcement/national-enforcement-and-compliance-initiative-chemical-accident-risk-reduction>.

<sup>26</sup> US EPA, “Risk Management Program Safer Communities by Chemical Accident Prevention Final Rule,” EPA, 2025, <https://www.epa.gov/rmp/risk-management-program-safer-communities-chemical-accident-prevention-final-rule>.

The proposed rule ignores the benefits of data availability by framing proposed changes to the RMP data tool as if they provide more data than previously available, when in reality the changes would remove essential elements of the tool's previously publicly accessible version. By removing access to the RMP Data Tool before the public comment period, commenters were not able to fully assess the tool in their written responses. As a result, the Agency should restore access to the RMP Data Tool to give the public the ability to compare the previously available functionalities with those proposed in the rule.

Furthermore, the "burdens" or "risks" associated with information availability that the rule seeks to alleviate are financially negligible, do not weigh benefits to communities heavily enough, and simultaneously threaten to weaken emergency response. The proposed changes push forward uncoordinated responses that will leave communities, first responders, and facilities at greater risk. Instead of moving to unwind safeguards, the agency should collect more robust data and information to inform their policies.