



March 13, 2023

Mr. Lawrence Starfield  
Acting Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

**Re: Public Comment, Environmental Protection Agency; National Enforcement and Compliance Initiatives for Fiscal Years 2024–2027; 88 Fed. Reg. 2093-2097 (January 12, 2023)**

Dear Mr. Starfield:

We, the undersigned associations (“Associations”), submit these comments in response to the U.S. Environmental Protection Agency’s (“EPA”) request for public comment on the National Enforcement and Compliance Initiatives (NECI) for Fiscal Years 2024-2027.

Together, our associations represent companies from across the economy that strongly value the safety of their employees and neighboring communities. Businesses spend considerable resources to be good neighbors and to comply with regulatory requirements. While the business community recognizes the role of the administrative enforcement and adjudication system, we are interested in advancing fair, accurate, and transparent processes.

The Associations support the existing process safety framework under the Risk Management Program (RMP) regulations and are concerned that the newly proposed regulations would add costly compliance burdens and unnecessary enforcement liability. Including the RMP on the NECI’s Strategic Plan brings an unnecessary focus on the RMP program whose incident data demonstrate that the current regulations are working. Reported RMP accidents declined 70 percent between 2004 and 2020.<sup>1</sup> Accidents occur infrequently, with only three percent of RMP facilities reporting an accident during the most recent 5-year reporting period (i.e. 2016-2020). That remarkable improvement in process safety is a result of the existing performance-based framework.

Even though process safety has improved considerably over recent years, the Occupational Safety and Health Administration (OSHA) is simultaneously embarking on updates to their related Process Safety Management regulations. While both programs currently have unnecessary overlap, additional redundancy would complicate compliance further. Responding to multiple regulators with respect to the same conduct is counterproductive from a regulatory standpoint and is overly burdensome for businesses and to the economy. Given that businesses have undertaken significant efforts to improve process safety under the existing regulatory framework, we encourage EPA and OSHA to maintain the

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<sup>1</sup> EPA-HQ-OLEM-2022-0174-0065.

current regulations and use fair, accurate, and transparent enforcement measures to focus on the few facilities with repeat RMP incidents.

We appreciate the opportunity to respond to the request for public comment on EPA's proposed NECI for Fiscal Years 2024-2027.

Sincerely,

Agricultural Retailers Association  
American Chemistry Council  
American Coatings Association  
American Coke and Coal Chemicals Institute  
American Forest & Paper Association  
American Petroleum Institute  
American Short Line and Regional Railroad Association  
Corn Refiners Association  
The Fertilizer Institute  
GPA Midstream Association  
GPSA Association  
National Oilseed Processors Association  
U.S. Chamber of Commerce