

March 23, 2016

Mr. James Belke  
U.S. Environmental Protection Agency  
Office of Land and Emergency Management  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20460

via e-mail: [belke.jim@epa.gov](mailto:belke.jim@epa.gov)

**Re: Request for Extension of Comment Period on EPA's Proposed Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7)**

Dear Mr. Belke:

The National Association of Chemical Distributors<sup>1</sup> (NACD) respectfully requests that EPA extend the comment deadline for the proposed rule on *EPA Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7)* for an additional 30 days to June 13, 2016. We also request that EPA extend the comment period for the Information Collection Request by 30 days to May 13, 2016.

In the proposed rule, EPA seeks comments on more than 70 explicit topics. Given the magnitude and complexity of this proposed rule and the fact that the proposed changes will have an extraordinary impact on NACD members and the RMP-regulated community in terms of applicability and costs, we believe 60 days and 30 days respectively are insufficient to digest all of the background information and adequately address all of the important elements of the proposal.

While a number of the topics in this proposed rulemaking were initially presented in the 2014 EPA Request for Information (RFI), they were presented as broad concepts rather than actual proposals. This proposed rule includes many significant technical and legal requirements that go far beyond the original RFI. As opposed to the concepts in the RFI, these are real proposals that need thorough analyses and comprehensive input, given the substantial impact they will have on the regulated community.

EPA provided a 90-day comment period for the 2014 RFI. Moreover, the agency states in this proposed rulemaking that the “information collected through the RFI has informed this proposal” and therefore encourages commenters to review the RFI “as this action will not reiterate the full discussion of all of its topics.”<sup>2</sup> This means interested parties will need to

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<sup>1</sup> NACD and its over 440 member companies are vital to the chemical supply chain, providing products to over 750,000 end users. NACD members are leaders in health, safety, security, and environmental performance through implementation of NACD Responsible Distribution®, which celebrates its 25<sup>th</sup> anniversary this year as a condition of membership and a third-party verified management practice. For more information, visit [www.nacd.com](http://www.nacd.com).

<sup>2</sup> Unpublished version of *Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act, Section 112(r)(7)* at p.22.

review the RFI as well as the more substantive comments submitted on the RFI to understand EPA's rationale better. There were 579 public comments on the RFI. Rereading the RFI and then identifying and reading the comments that may have informed EPA's thinking on the proposed rule will take a significant amount of time.

In addition, the docket for the proposed rule contains almost 300 supporting documents, including a 147-page regulatory impact analysis (RIA). It will take time for stakeholders to review and analyze this RIA as well as other key underlying documents, including the 10-year accident history, the regulatory flexibility analysis, and the information collection request. It is crucial for the regulated community to have sufficient time to read and understand all of the documents supporting EPA's proposed requirements.

NACD represents our member companies, the majority of whom are small businesses, on major policy changes such as this proposed rule. In this role, we need sufficient time to review each of the new requirements in the proposal with our member companies, informing and educating them on the proposed rule's important elements, and to establish a consensus position on each to put forth on behalf of our membership. We believe there is significant value in providing the agency with a consolidated viewpoint to ensure we achieve a balanced and effective approach to enhancing chemical safety.

We would appreciate a response to this request as soon as possible, so we can dedicate and manage our resources accordingly while continuing to conduct a thorough review and analysis of the proposed rule, its supporting documentation, the information collection request, the 2014 RFI, and the comments submitted on the RFI.

Thank you for your consideration of this request. Should you have questions, or if you would like to discuss this matter, please contact me by phone at (571)482-3047 or by email at [jgibson@nacd.com](mailto:jgibson@nacd.com).

Sincerely,



Jennifer C. Gibson  
Vice President, Regulatory Affairs  
National Association of Chemical Distributors