



U.S. Environmental Protection Agency
EPA Docket Center, OLEM Docket
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Submitted via www.regulations.gov

Re: “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention,” 91 Fed. Reg. 8970 (Feb. 24, 2026), Docket No. EPA-HQ-OLEM-2025-0313

GPA Midstream Association (“GPA Midstream”) appreciates the opportunity to provide comments to the U.S. Environmental Protection Agency (“EPA” or the “Agency”) on its proposed amendments to the Risk Management Program (“RMP”) regulations under Section 112(r) of the Clean Air Act (“CAA”).¹

GPA Midstream has served the U.S. energy industry since 1921 and represents more than 50 domestic corporate members that directly employ 57,000 employees engaged in the gathering, transporting, processing, treating, storage, and marketing of natural gas, natural gas liquids, crude oil and refined products, commonly referred to as “midstream activities.” The work of our members indirectly creates or impacts an additional 470,000 jobs across the U.S. economy. In 2024, GPA Midstream members had an economic impact of \$191 billion through operating 502,900 miles of gas gathering pipelines, gathering more than 91 billion cubic feet per day of natural gas, and operating more than 342 natural gas processing facilities that delivered pipeline quality gas into markets across a majority of the U.S. interstate and intrastate pipeline systems.

GPA Midstream has long engaged with EPA on RMP policy and has previously submitted detailed comments on prior rulemakings, including the 2023 RMP rulemaking.² GPA Midstream incorporates those prior comments by reference as applicable, as many of the same legal, technical, and policy considerations remain applicable to the current proposal.

Executive Summary

¹ Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention, 91 Fed. Reg. 8970 (Feb. 24, 2026).

² See, e.g., GPA Midstream Comments, EPA-HQ-OLEM-2022-0174-0169, Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Safer Communities by Chemical Accident Prevention, 87 Fed. Reg. 53,556 (Aug. 31, 2022).

GPA Midstream supports EPA’s proposal to revisit the RMP regulations. We encourage the Agency to adopt a targeted, performance-based approach that focuses on the highest-risk activities and regulated substances—and that recognizes differences among sectors as appropriate. This approach will ensure a highly effective program while reducing undue burdens. In particular:

EPA should rescind, or, at a minimum, exclude the midstream sector from any Safer Technology and Alternatives Analysis (“STAA”) rules and any expanded public disclosure, audit, or reporting obligations. Midstream operations differ significantly from the sectors that historically drove many expanded RMP requirements. GPA Midstream members’ activities primarily involve the handling and processing of hydrocarbons using established, standardized equipment and processes that have a strong record of safe operations. Some of EPA’s proposed amendments, however, would expand prescriptive requirements without accounting for these differences and risks imposing a one-size-fits-all framework across dissimilar sectors. Requirements such as STAA, expanded public disclosure, and additional audit and reporting obligations are not appropriately tailored to midstream operations.

EPA should prioritize regulatory clarity and aligning RMP with Occupational Safety and Health (“OSHA”) Process Safety Management (“PSM”) requirements. Alignment between EPA’s RMP regulations and OSHA’s PSM standard has long been a foundational principle of the RMP program. When EPA promulgated the RMP rule, it intentionally built upon the existing PSM framework to promote consistency, avoid duplicative or conflicting requirements, prioritize flexibility to allow facilities to address risk based on site-specific conditions, and leverage established industry practices for managing process safety risks. A performance-based framework better ensures that resources are directed toward measures that meaningfully reduce the likelihood and consequences of accidental releases while avoiding unnecessary administrative burden and potential security concerns.

I. EPA Should Rescind the STAA Provisions or, at a Minimum, Should Exclude the Midstream Industry from Any STAA Rules

GPA Midstream urges EPA to rescind the STAA provisions entirely or, at a minimum, continue to exclude the midstream industry from any STAA requirement. In accordance with 40 C.F.R. § 68.67, facilities already perform comprehensive Process Hazard Analyses (“PHAs”) using established methodologies, such as Hazard and Operability Studies (“HAZOPs”). These analyses systematically evaluate the effectiveness of existing passive, active, and procedural safeguards and consider Inherently Safer Technology or design principles commensurate with the complexity and documented hazards of the process.

Moreover, the proposal here would extend the initial STAA evaluation requirement in 40 C.F.R. § 68.67(c)(9)(i) to all “new” Program 3 processes regardless of NAICS code. That approach is inappropriate for midstream operations that have historically been outside the STAA provisions limited to NAICS codes 324 and 325. GPA Midstream previously supported this limitation and continues to oppose any expansion to sources classified under NAICS code 21112 and related midstream operations. STAA requirements were developed in the context of manufacturing processes involving highly hazardous substances and complex reaction chemistry. Midstream

operations, by contrast, primarily involve the handling and processing of hydrocarbons using established, standardized equipment and processes that are already subject to comprehensive hazard evaluations through PHAs. Midstream operators have consistently demonstrated strong safety performance through adherence to established engineering standards, federal safety regulations, and continuous improvement practices focused on risk identification and mitigation. The existing framework appropriately evaluates safeguards and design considerations without the need for an additional, prescriptive STAA overlay. Expanding STAA to midstream facilities would not meaningfully improve safety outcomes but would impose unnecessary, duplicative, and potentially confusing requirements.

If EPA nevertheless proceeds with the STAA provisions, certain limitations are necessary to ensure the rule remains workable and risk-focused. First, EPA should expressly exclude midstream facilities.³ Second, it should clarify the meaning of “new process,” as the proposal is operationally unclear. Although EPA states that the new requirement would apply to “new” Program 3 processes, the proposal does not adequately explain how that term applies at existing RMP facilities. While 40 C.F.R. § 68.10 mandates a PHA upon a process becoming subject to the RMP rule, many facilities conduct these analyses during the design phase as a recognized industry best practice. To ensure regulatory certainty, EPA should clarify that the definition of a “new process” does not retroactively include existing operations or routine modifications, thereby avoiding ambiguous compliance triggers for established facilities.

Third, EPA should remove proposed Section 68.67(c)(9)(iii) because it duplicates the separate team-composition requirements already found in Section 68.67(d). Fourth, EPA should exclude STAA for new Program 3 processes from subsequent PHA revalidations. Requiring facilities to continue revisiting an initial STAA determination years later would create repetitive paperwork without any demonstrated connection to release prevention. Fifth, EPA should reject suggestions for additional STAA obligations for processes deemed to present “heightened risk.” If EPA believes an individual incident or inspection reveals a common, industry-wide concern involving frequently used processes, that may be addressed through site-specific enforcement or recommendations based on actual causal factors. EPA has not justified creating a new generic “heightened risk” layer of regulation.

Finally, EPA should not require STAA-related information to be submitted through RMP filings. Such submittals would create security concerns, increase burden, and invite second-guessing of complex engineering judgments outside the context of a full facility review.

In short, EPA’s STAA proposal reflects a one-size-fits-all approach that does not account for the significant differences in processes, substances, and risk profiles across regulated sectors. The RMP program is most effective when it remains performance-based and focused on the specific

³ By “midstream facilities,” we mean all those involved in the transportation, storage, processing, and treatment of crude oil and natural gas. This includes gathering and transportation pipelines, gas processing facilities, compressor stations, dehydrators, and all related equipment.

hazards presented by regulated substances, rather than imposing uniform analytical requirements across fundamentally different operations.

II. GPA Midstream Supports Rescinding the Information Availability and Public Disclosure Requirements

GPA Midstream supports rescinding the public-information availability provisions. A performance-based regulatory framework should prioritize measures that directly reduce the likelihood or consequences of accidental releases. EPA has not demonstrated how broader disclosure of sensitive facility information would reduce the number or severity of accidental releases.

Expanded public disclosure instead raises security concerns. Midstream facilities handle flammable materials and operate significant infrastructure. Information regarding facility layout, hazard evaluations, emergency procedures, and unimplemented recommendations can be highly sensitive, particularly when compiled and distributed outside existing channels. Congress and the Department of Homeland Security have long recognized the need to limit public dissemination of sensitive facility-security information through statutes such as the Critical Infrastructure Information Act and the Chemical Facilities Anti-Terrorism Standards Act. EPA does not have comparable security expertise, and its generalized assurance that it has struck an appropriate “balance” does not substitute for a demonstrated statutory or factual basis.

The facility cannot control information photographed, copied, or electronically transmitted around the world in seconds. In an environment of persistent cyber threats and broad online dissemination, the premise that a six-mile, three-mile, or ten-mile radius can meaningfully prevent aggregation or misuse of sensitive information is unsustainable.

The public is entitled to certain basic information, but it is not a legitimate statutory objective for EPA to encourage the public to pressure or oversee highly technical process-safety decisions. Moreover, the current regulation requires the information to be provided to emergency response organizations from which the public could request information.

If EPA nonetheless retains any public-data tool concept, EPA must establish clear parameters to ensure the contents are tightly constrained. Any tool should be limited to basic information already appropriate for disclosure, such as regulated substances, safety data sheets, accident history, emergency-response status, and the name and contact information of the relevant Local Emergency Planning Committee (“LEPC”). EPA should also remove proposed notification-procedure and exercise-scheduling disclosures and should not require publication of declined recommendations or similar sensitive materials. EPA should not be opening up such sensitive information to dangerous actors.

III. GPA Midstream Supports EPA’s Proposal to Rescind Third-Party Compliance Audits

GPA Midstream supports Proposal #1 to rescind third-party compliance-audit requirements entirely. Facilities already conduct thorough evaluations of process hazards in accordance with 40 C.F.R. § 68.67 and perform compliance audits at least every three years under 40 C.F.R. § 68.80.

These existing requirements provide a well-established framework for identifying, assessing, and addressing potential issues without the need for an additional, prescriptive third-party audit mandate.

An incident investigation is supposed to investigate the incident and its causes. An incident at one process should not automatically trigger a broader review of unrelated covered processes or prevention-program elements absent evidence that the same deficiencies extend elsewhere. Any value from the supposed independence of third-party auditors' conflicts with EPA's simultaneous reliance on the expertise and practical knowledge of employees throughout RMP. EPA has long recognized the value of experience and knowledgeable staff professionals in identifying and correcting potential violations.

If EPA nevertheless retains some form of third-party audit requirement, GPA Midstream recommends that EPA narrow the program substantially. At minimum, EPA should rescind audit triggers based on conditions that could have led to an RMP-reportable accident; retain a ten-year sunset provision; remove any cooling-off period that restricts the pool of qualified auditors; allow qualified personnel not employed by the auditing firm to serve on the audit team; provide a process for extensions beyond a 90-day deadline; and rescind mandatory board reporting. Each additional requirement adds cost and burden, without record-based, documented support that they will meaningfully reduce the potential for an accidental release. Moreover, a sunset provision ensures the Agency will reconsider the value of any retained requirements.

If EPA keeps an incident-based trigger, it should be limited to two RMP-reportable accidents with physical offsite impacts. This is an entirely reasonable limitation that fits with the stated purpose of the RMP program: to protect people and property beyond the facility boundary.

EPA should also revise the proposed certification language. The final two statements of the certification are unnecessary because regular compliance-audit processes already require corrective action and documentation, and the senior corporate officer is typically not involved in preparing the audit report itself. Requiring personal certification of matters outside that officer's direct knowledge adds legal risk without improving safety.

IV. EPA Should Rescind the Expanded Employee Participation Requirements

GPA Midstream supports rescinding the expanded employee participation requirements, including provisions related to training, employee accident and non-compliance reporting, consultation on addressing recommendations, and stop-work authority. These provisions are unnecessary, duplicative of existing regulatory requirements, and unsupported by any demonstrated need.

EPA RMP and OSHA PSM regulations otherwise already require meaningful employee involvement in process safety, including consultation during the development of process hazard analyses, operating procedures, and other core program elements. In practice, facilities already maintain robust internal reporting systems, training programs, and mechanisms for escalating safety concerns. Additional top-down regulatory burdens would not meaningfully reduce risk beyond existing requirements. Maintaining alignment between RMP and PSM is critical to ensuring a

coherent and effective process safety regime. Facilities implement these programs in an integrated manner, and divergence between the two can create unnecessary complexity, increase the risk of inconsistent compliance obligations, and divert resources from measures that directly improve safety performance.

V. GPA Midstream Supports Clarifying the Community and Emergency Responder Notification Requirements

Midstream facilities generally do not store or handle the same categories or volumes of highly toxic or reactive substances that drive certain community notification concerns in other sectors. Accordingly, any notification-related requirements should be proportionate to the nature of the hazards presented and should avoid imposing uniform obligations that are not aligned with actual risk profiles.

GPA Midstream supports clarifying that community notification systems are not the responsibility of owners or operators. To the extent EPA retains any related requirements, the rule should make clear that facilities are only responsible for coordinating with local response agencies and verifying that appropriate notification mechanisms exist for a worst-case scenario.

Additionally, EPA should clarify that no specific type of notification system is required, so long as the necessary information is effectively communicated to local response agencies. This flexibility is critical given the diverse geographic and operational characteristics of regulated facilities. Many midstream facilities are in rural areas where cell phone service is unreliable or nonexistent. In such cases, traditional methods such as door-to-door notification may be the only feasible and effective means of communication. In addition, many midstream facilities are unmanned or only intermittently staffed, which further underscores the need for flexible, locally tailored notification approaches coordinated with emergency response authorities.

Finally, GPA Midstream opposes incorporating detailed community notification system information into the RMP*Submit system, as this would impose additional administrative burdens without improving emergency preparedness or response capabilities.

VI. GPA Midstream Supports Rescinding the Amplified Stationary Source Siting RMP Requirements to Align with OSHA PSM Standards

GPA Midstream supports rescinding the amplified language regarding stationary source siting and reverting to the original regulatory framework to align with OSHA PSM standards and eliminate redundancy. Those standards already require consideration of facility siting as part of PHAs, and industry practices incorporate these considerations during facility design and ongoing risk evaluations. There is no need to go beyond the well-established OSHA PSM framework.

VII. EPA Should Also Rescind the Amplified Natural Hazards Provisions

GPA Midstream supports rescinding the amplified natural hazards provisions. Natural hazards are addressed in the design of facilities, in PHAs where relevant, and in emergency-response planning.

EPA should also reject the use of compliance-assistance tools in a manner that effectively expands the substantive obligation beyond the rule text. Facilities should evaluate relevant natural hazards based on geography, design, and process risk—not hypothetical events.

VIII. GPA Midstream Supports EPA’s Proposal to Rescind Expanded Power Loss / Backup Power Requirements to Conform with OSHA Rules and Standard Practice

GPA Midstream supports rescinding the expanded requirements related to power loss and backup power and reverting to the existing regulatory framework, which is consistent with OSHA PSM standards and established industry practices. Power loss scenarios are routinely evaluated as part of PHAs, including HAZOP studies, and are addressed based on the specific hazards and operational characteristics of each process. These evaluations consider the need for safeguards, including backup systems, where appropriate. Reverting to the original language maintains flexibility while ensuring that power loss risks continue to be appropriately evaluated through established, performance-based safety practices.

IX. EPA Should Rescind Any Requirement to Report Declined Recommendations

GPA Midstream supports rescinding any requirement to report declined recommendations from Recognized and Generally Accepted Good Engineering Practices (“RAGAGEP”) evaluations, third-party audits, natural-hazard evaluations, power-loss evaluations, or siting reviews, together with justifications for those decisions. Presenting only declined recommendations from a subset of findings, outside the context of the full mechanical-integrity program, PHA, audit, or incident investigation, creates a substantial risk of misunderstanding and mischaracterization.

This concern is particularly acute where the audience includes persons who do not have process-safety training or familiarity with the process. A recommendation may be declined for sound technical, operational, economic, sequencing, or risk-balancing reasons. Isolating that decision from the full record creates a misleading picture. EPA can review the complete underlying records during inspections—there is no additional benefit from compelling public disclosure or RMP submittal of declined recommendations.

X. GPA Urges EPA Not to Require Facilities to Report on Unresponsive LEPCs

GPA Midstream opposes adding RMP*Submit fields for unresponsive LEPCs. If EPA seeks information regarding LEPC participation or responsiveness, the Agency should obtain that information directly from LEPCs rather than requiring facilities to report on the conduct of third-party public entities.

XI. GPA Midstream Supports Revisions to the Safety Information and Recognized and Generally Accepted Good Engineering Practices Requirements

GPA Midstream supports retaining the requirement to maintain up-to-date process safety information (“PSI”), which is a foundational element of effective risk management. However, EPA should clarify that the timing for updating PSI is governed by existing performance-based

management systems, including Management of Change, Mechanical Integrity, and PHA programs. These systems ensure that PSI is updated as changes occur and as part of ongoing safety management, rather than on an arbitrary or prescriptive schedule.

GPA Midstream also supports rescinding the requirement to ensure processes are designed and maintained in accordance with the latest version of RAGAGEP and instead revert to the original regulatory language, which is aligned with OSHA PSM standards.

In addition, GPA Midstream supports rescinding the requirement to conduct RAGAGEP gap analyses, specifically as part of PHAs. Such analyses are duplicative of existing PSI requirements and should be conducted as needed within existing management systems, rather than imposed as a standalone regulatory obligation.

GPA Midstream opposes requiring facilities to include lists of RAGAGEP in RMP submittals. This requirement would impose administrative burden without providing meaningful benefits. Providing full lists of RAGAGEP could be misleading, create confusion, and fail to accurately reflect how standards are implemented in practice. Further, there would be no safety benefits to listing portions of RAGAGAP that do not apply to the facility.

Finally, EPA should maintain the longstanding principle that owners and operators are responsible for determining the applicability of RAGAGEP to their processes. This approach recognizes the technical expertise of regulated entities and preserves the flexibility necessary to implement effective, site-specific safety measures.

XII. EPA Should Rescind the Requirement to Retain Hot Work Permits for Three Years and Should Revert to the OSHA PSM Requirement

GPA Midstream supports rescinding the three-year retention requirement for hot work permits and reverting to the approach aligned with OSHA PSM. Because some facilities issue large volumes of hot work permits, mandating retention of every permit for three years creates a substantial paperwork burden without a demonstrated safety benefit. EPA should reinstate the requirement to maintain permits only until completion of the hot work operations, consistent with OSHA PSM requirements at 29 C.F.R. § 1910.119(k)(2), to preserve alignment between regulatory programs.

EPA should not require retention of a subset of permits as a compromise measure, as that approach would still impose administrative burden while creating line-drawing challenges and incomplete records. Although some facilities may choose to retain certain permits for longer periods as part of internal practices or to support periodic compliance audits, those decisions should remain within the discretion of the facility rather than imposed as a prescriptive regulatory requirement.

XIII. Fundamentally, GPA Supports Alignment with Current OSHA PSM Requirements and Other Efforts to Streamline the RMP Program

More broadly, GPA Midstream supports a performance-based RMP framework that aligns with OSHA PSM and focuses on the highest-risk activities and regulated substances. A one-size-fits-all

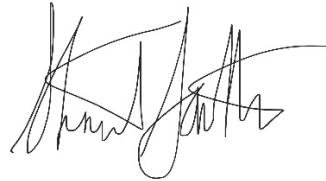
regulatory approach is not appropriate given the diversity of covered sectors and can lead to unnecessary burden without corresponding safety benefits. Maintaining flexibility and alignment with PSM ensures that facilities can direct resources toward measures that most effectively reduce the likelihood and consequences of accidental releases.

GPA Midstream supports keeping additional information requested during deregistration voluntary. GPA Midstream also supports EPA's clarification of the retail-facility definition.

Conclusion

GPA Midstream appreciates EPA's consideration of these comments and stands ready to continue working with the Agency on practical, legally sound approaches to reducing accidental releases while preserving security, operational reliability, and regulatory clarity for the midstream sector.

Sincerely,

A handwritten signature in black ink, appearing to read "Stuart Saulters", with a stylized flourish extending to the right.

Stuart Saulters
Vice President, Federal Affairs
GPA Midstream Association
6060 S. American Plaza St E
Suite 700
Tulsa, Oklahoma 74135
ssaulters@gpamidstream.org