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Environmental Protection Agency
Office of Pollution Prevention and Toxics
1200 Pennsylvania Ave. NW
Washington, DC 20460-0001

May 11, 2026

RE: Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention ([EPA-HQ-OLEM-2025-0313](#))

Dear Sir or Madam:

The Chlorine Institute (“CI” or “The Institute”) is a 200-member, not-for-profit trade association of chlor-alkali producers worldwide. The Institute’s members account for the majority of chlorine production capacity in the U.S., along with the majority of caustic soda, caustic potash, and hydrochloric acid production, and one hundred percent of chlorine repackagers. The Institute’s mission chemicals¹ are used throughout the U.S. economy and are paramount to the protection of public health. Uses of chlorine include water purification, the production of 90% of U.S. pharmaceuticals and the largest use, vinyl materials used in manufacturing and construction.

With reference to the public comment period for the Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention proposed rule (“Proposed Rule”), The Chlorine Institute requests that EPA review CI’s position on the following aspects of the Proposed Rule:

- **#1—STAA**
- **#2—Information Availability**
- **#3—Third-Party Compliance Audits**
- **#5—Community and Emergency Responder Notification**
- **#8 – Power Loss**
- **#10 Emergency Response Exercises**
- **#13—Retention of Hot Work Permits**

CI has read the other designated sections of the rule, and does not offer any comments on those provisions.

¹ CI’s mission chemicals are chlorine, sodium and potassium hydroxides, sodium hypochlorite, the distribution of vinyl chloride monomer (VCM), and the distribution and use of hydrogen chloride.

#1—STAA (*Section IV.A. of the Proposed Rule*)

The Chlorine Institute agrees with EPA in recognizing that safer technologies and alternatives analyses (“STAAs”) are best performed before a process is in operation, at the design phase. We therefore support modifying this provision to apply only to new processes. Replacement-in-kind should be excluded from STAA. For example, if a facility simply rebuilds the existing process, it should not be required to conduct a STAA.

In the final rule, the definition for a “new process” must be made clear to the regulated community. It is obvious that a newly opened facility would qualify. However, what other changes and extent of changes would qualify a process as new?

#2—Information Availability (*Section IV.B. of the Proposed Rule*)

The Chlorine Institute has security concerns with the RMP Public Data Tool because it does not include robust user identity authentication. CI supports the continued use of Federal Reading Rooms and Freedom of Information Act (“FOIA”) requests for the public to access facility information.

#3—Third-Party Compliance Audits (*Section IV.C. of the Proposed Rule*)

The Chlorine Institute supports the performance-based approach of requiring third-party audits for facilities that have had two RMP-reportable incidents within five years, applicable to all program levels. CI also requests that third-party audits required by voluntary programs, such as the American Chemistry Council’s Responsible Care or the Alliance for Chemical Distribution’s Responsible Distribution, satisfy this requirement if conducted after qualifying RMP-reportable incidents.

Auditor Independence

The Chlorine Institute agrees with EPA’s proposal to remove the “cooling off” period for auditors. Many Chlorine Institute member companies, and their customers, are part of large corporations with facilities across the nation and with a large variety of RMP-covered processes. Chlor-alkali production, like many other segments of the chemical industry, has a relatively small number of RMP-covered sites. Within the United States, chlorine is produced at approximately forty-two facilities². Note that chlorine is used above the RMP threshold quantity at considerably more sites. With so few production sites, there is a relatively small pool of skilled third-party auditors who have the chlorine production expertise needed to conduct a thorough audit. These valuable auditors should be able to apply their skills to multiple sites, regardless of parent company, as outlined in the Proposed Rule.

² See CI Pamphlet 10) *North American Chlor-Alkali Industry Facilities and Production Data Report*. Edition 2024, Published December 2025.

Chlor-alkali manufacturing is a small industry. As mentioned in our May 13, 2016, comment letter³, the chlor-alkali industry has experienced many consolidations in recent years which presents a two-fold problem for both facilities seeking a qualified auditor and the auditors themselves. As a small industry segment, there is also a small number of auditors who would have worked in or have extensive knowledge of chlorine production sites. This diminished capacity is then compounded by the consolidation. Thus, there are not many auditors and the pool of sites they would have access to would have been time-limited by a mandated a cooling off period. For these reasons, the Chlorine Institute agrees with EPA to remove the auditor independence requirement.

#5—Community and Emergency Responder Notification *(Section IV.E. of the Proposed Rule)*

The Chlorine Institute supports EPA’s approach to require facilities to “partner to ensure” that community notifications take place. In many regions of the U.S., there are dozens of RMP-regulated sites in one county. Requiring individual companies to maintain their own communication system would be onerous for the companies and confusing for the public. Using a unified system controlled by local authorities allows the public to rely on a single, established channel, instead of attempting to register for dozens of notification systems.

#8 – Power Loss *(Section IV.H. of the Proposed Rule)*

Multiple layers of protection are essential to preventing releases during emergency situations. Some layers of protection are mechanical and will operate absent any power source, others are not. Processes operate safer when all layers of protection are able to function. The Proposed Rule should be modified to require a means to operate emergency systems, which can include but is not limited to, systems powered by electricity, mechanical mechanisms, pneumatic pressure, etc. Systems that are designed to use non-electrical means to enter a fail-safe mode should not be required to have backup electricity because their system is designed to “backup” to a fail-safe mode without electricity. The Chlorine Institute, therefore, requests that the EPA reinstate, with modification, the following language (emphasis added on modified language in underline and bold):

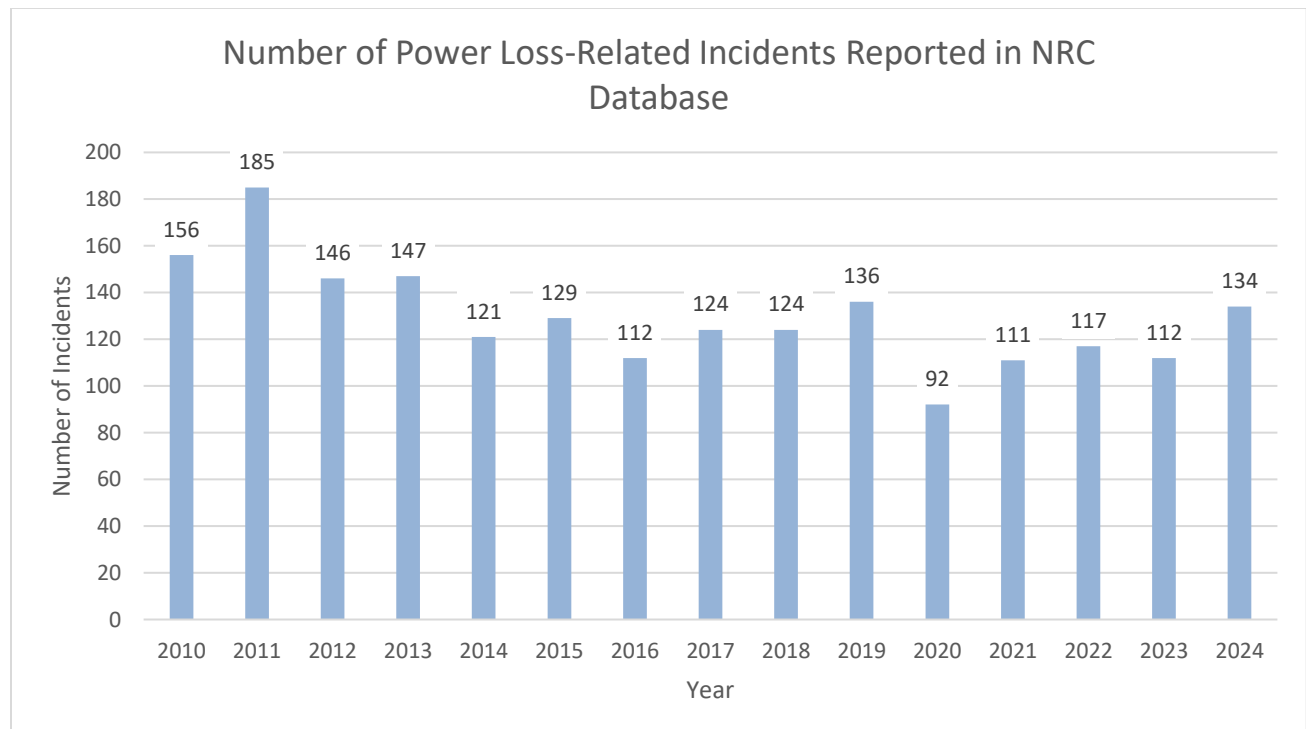
At 40 CFR 68.50(a)(3)), Hazard Review, “including standby or **emergency systems**; the owner or operator shall ensure monitoring equipment associated with prevention and detection of accidental releases from covered processes has **standby capabilities or a means to always operate** to provide continuous operation”

At 40 CFR 68.67(c)(3), Process Hazard Analysis, “and standby or **emergency systems**” and “[t]he owner or operator shall ensure monitoring equipment associated with prevention and detection of accidental releases from covered processes has **standby capabilities or a means to always operate** to provide continuous operation”

³ May 13, 2016, Comment Letter : <https://www.regulations.gov/comment/EPA-HQ-OEM-2015-0725-0517>

By running an artificial intelligence (“AI”) powered analysis of National Response Center (“NRC”)⁴ data, we found that between 2010 and 2024, there were an average of 130 power loss-related incidents annually that were reportable to the NRC. This number is less than the 240 cited in EPA’s 2001 publication *Chemical Accidents from Electric Power Outages*⁵, but it has been persistently above 100 incidents, as seen in fourteen of the fifteen years analyzed. Notably, the NRC dataset captures all reportable incidents—not solely those involving RMP-covered processes—and includes precautionary reports that did not result in actual chemical releases. Nonetheless, the sustained frequency of these incidents demonstrates the continued need for modified regulatory text outlined above.

CI’s proposed language—requiring “a means to operate emergency systems” rather than specifically mandating backup electricity—reflects a technology-neutral, performance-based approach that is consistent with EPA’s own rationale for rescinding the prescriptive backup power requirement. As EPA recognized in the Proposed Rule, “facility owners and operators are in the best position to evaluate and address hazards in the process, including the need for emergency power for monitors.” EPA further acknowledged that a prescriptive backup power requirement could introduce “unintended consequences,” including “additional hazards introduced into the covered process by adding backup power for monitors.” CI’s proposed regulatory text avoids these unintended consequences while ensuring that all emergency systems—whether powered by electricity, mechanical mechanisms, pneumatic pressure, or other means—remain operational during power loss events.



⁴ U. S. Coast Guard National Response Center website: <https://nrc.uscg.mil/Default.aspx>

⁵ EPA, “Chemical Accidents from Electric Power Outages,” last modified September 2001, <https://www.epa.gov/sites/default/files/2013-11/documents/power.pdf>.

#10—Emergency Response Exercises *(Section IV.J. of the Proposed Rule)*

Emergency response exercises are beneficial both for the regulated community and local authorities. The Chlorine Institute supports retaining the exercise requirements. As mentioned in the Proposed Rule, some local emergency planning committees (LEPCs), fire departments, and/or hazardous materials (hazmat) response teams may not have the capacity to perform an exercise with every RMP-regulated site in their jurisdiction. The Proposed Rule should be modified to only require facilities to document their good faith efforts to organize an exercise. Facilities should not be responsible for unresponsiveness of any local emergency response organizations; any requirement for multiple follow up efforts with unresponsive emergency response organizations puts a burden on the regulated community. Therefore, facilities should be required to keep records such as a simple log of the company's outreach attempts. These records should include the date, method of contact, person contacted to attempt an exercise, and/or completed exercise date. These records should be kept by the company and not sent to the EPA. EPA officials should have access upon request during inspections.

#13—Retention of Hot Work Permits *(Section IV.M. of the Proposed Rule)*

The Chlorine Institute supports the amendment to remove the three-year hot work permit retention requirement. We support this change as requiring this documentation to be maintained for three years adds a burdensome recordkeeping obligation for facilities. Additionally, the vast majority of CI members already have record retention policies based on their own analysis of their site's needs.

Thank you for the opportunity to comment on this proposed rule and for your careful attention.

Best Regards,

Robyn Brooks

Robyn Brooks

Vice President - Fixed Facility Health, Environment, Safety, Security & Regulatory Affairs