

**Before the
ENVIRONMENTAL PROTECTION AGENCY**

**DOCKET NO. EPA–HQ–OLEM–2025–0313
ACCIDENTAL RELEASE PREVENTION REQUIREMENTS:
RISK MANAGEMENT PROGRAMS UNDER THE CLEAN AIR ACT;
COMMON SENSE APPROACH TO CHEMICAL ACCIDENT PREVENTION**

**COMMENTS OF
THE AMERICAN SHORT LINE AND REGIONAL RAILROAD ASSOCIATION**

The American Short Line and Regional Railroad Association (“ASLRRA”), submits the following comments in response to the U.S. Environmental Protection Agency’s (“EPA”) Notice of Proposed Rulemaking, “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention” (“Proposed Rule”).¹

The safety of employees and neighboring communities is paramount to the member companies of the ASLRRA. Our members are impacted by the implementation of the EPA’s Risk Management Program (“RMP”) and the Occupational Safety and Health Administration’s (“OSHA”) Process Safety Management (“PSM”) regulations. Accordingly, we have a substantial interest in the Proposed Rule. We appreciate the opportunity to share our feedback and extend an offer to engage with the Agency in addressing these comments.

INTRODUCTION

Our members subject to the RMP and PSM regulations understand the importance of being good neighbors and work diligently on risk management and process safety measures,

¹ 87 Fed. Reg. 53,556 (Aug. 31, 2022) (the “Proposed Rule”).

which have contributed to the significant decline in RMP incidents and offsite impacts over time. These facilities also lead voluntary efforts to make communities safer and have shown continuous improvements under the performance-based framework of RMP and PSM. As reflected by the data, the existing RMP regulations are working and do not warrant revision at this time.

#6 – Stationary Source Siting. Under 2, Alternative Options, EPA states, “Additionally, the amplifying language for facilities to address hazards posed by proximate facilities may be more appropriately addressed as guidance, outreach, or compliance assistance. To that end, the EPA seeks comment on what activities the Agency could take to better ensure that regulated facilities are accounting for siting issues.”

In response, ALSRRA believes the EPA could better ensure that regulated facilities account for siting issues by defining “Storage Incident to Transportation” as it is used in 68.3 of the regulation. This issue was addressed in the February 27, Final Rule (EPA-HQ-OLEM-2022-0174) under section VIII. Other Areas of Technical Clarification / Enforcement Issues B.4. Storage Incident to Transportation. In this section EPA responded saying it would not finalize proposed regulatory language that includes a specific number of hours that a transportation container may be disconnected from the motive power that delivered it to the site before being considered part of a stationary source. The EPA went on to state that it has demonstrated its intent and application of when transportation containers are and are not part of a stationary source in guidance and through court decisions

The U.S. Department of Transportation (“DOT”) already has requirements for forwarding RMP listed materials shipped by rail and regulated the safe transportation of railcars. EPA should coordinate with DOT and define “Storage Incident to Transportation” as transportation

containers covered under active shipping papers and that these containers are not subject to EPA regulation until the container is delivered to the final consignee.

By creating this definition there would be clarity regarding when transportation containers are subject to RMP requirements and would aid facilities when accounting for siting issues.

CONCLUSION

We appreciate the opportunity to comment on the Proposed Rule. In the meantime, EPA should provide compliance assistance and consider enforcement measures to address the very rare instances of RMP accidents. Such an approach would best prevent and mitigate the impacts of accidental releases on human health and the environment.

Respectfully submitted,



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May 11, 2026