



Office of Attorney General
State of Alabama



Office of Attorney General
State of Oklahoma

May 11, 2026

Administrator Lee Zeldin
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Submitted electronically via <http://www.regulations.gov>

Re: “Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act; Common Sense Approach to Chemical Accident Prevention” (Docket ID No. EPA-HQ-OLEM-2025-0313).

Dear Administrator Zeldin:

On behalf of the States of Alabama, Oklahoma, Alaska, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Ohio, South Dakota, Utah, and West Virginia, we write to express our general support for the Environmental Protection Agency’s proposed changes to the Accidental Release Prevention Requirements and Risk Management Programs under the Clean Air Act. *See* Notice of Proposed Rulemaking, 91 Fed. Reg. 8970 (Feb. 24, 2026).

First, we appreciate the EPA’s deregulatory efforts that are improving our country’s ability to compete. The EPA’s efforts to advance chemical safety in a way that emphasizes practical risk reduction, regulatory clarity, and flexibility for regulated entities is important to States. The proposal also addresses several areas in which the 2024 rule exceeded the Agency’s statutory authority under the Clean Air Act, which directs that any regulations issued under Section 112(r) be designed to “prevent the accidental release and . . . minimize the consequences of any such release” of regulated and other extremely hazardous substances. 42 U.S.C. § 7412(r)(1). Several provisions of the 2024 rule—including the Safer Technology and Alternatives Analysis requirements and certain information-disclosure mandates—swept beyond that statutory objective and intruded on areas Congress committed to other agencies, including OSHA’s authority over workplace safety. *See* 42 U.S.C. § 7412(r)(7)(G) (Section 112(r) authority “shall not . . . be deemed to be exercising statutory authority . . . to prescribe or enforce standards or regulations affecting occupational safety and health”).

Our States are home to industrial and chemical manufacturing facilities that are subject to the Clean Air Act's Section 112(r) Risk Management requirements. These facilities provide high-quality jobs and are critical to domestic supply chains, energy security, and national defense. At the same time, our communities appreciate the strong and effective safeguards against accidental releases. The Risk Management Program plays an essential role in balancing these interests and has proven effective in reducing incidents at RMP-regulated facilities. In fact, since 2004, RMP-reportable releases have dropped by more than 70%.

We are particularly encouraged by elements of the proposal that remove unproven Safer Technology and Alternatives Analysis (STAA) evaluation and implementation requirements from a broad swath of facilities. The new proposal also provides clearer compliance expectations, especially around "recognized and generally accepted good engineering practices," reducing ambiguity that can otherwise lead to inconsistent enforcement and uncertainty for RMP facilities. And the proposal avoids duplicative or conflicting requirements with OSHA's Process Safety Management Standard and other related federal programs. All that we commend.

Second, we do have suggestions related to the RMP Public Data Tool and the scope of information that would be centralized and made anonymously accessible through that platform. Facilities covered by the Risk Management Program handle substances that, if maliciously targeted, could present serious risks to surrounding communities. Detailed, facility-specific data—including chemical inventories, process descriptions, and vulnerability-related information—is sensitive security information. Even where individual data points may appear innocuous in isolation, their consolidation, indexing, and machine-searchability in a single platform converts ordinary disclosures into a target-selection-and-exploitation manual. A list of chemicals available at a site, a description of access routes to them, or a mapped off-site consequence radius has obvious value to nefarious actors—value that is multiplied, not diminished, when the data are made queryable at scale. While transparency is important, that interest must be carefully balanced against the real and evolving threat environment faced by critical infrastructure.

The consolidation of granular facility-level RMP data into a modernized, centralized digital tool raises several issues for our States, including:

- The potential for cyber intrusion targeting a single federal repository containing high-value infrastructure data;
- The risk of inadvertent public disclosure through AI scraping and automated requests;
- Increased exposure of smaller facilities that may not otherwise be widely known; and

- The creation of a de facto roadmap for malicious actors if data segmentation and access controls are not exceptionally rigorous.

Our States and chemical manufacturers and refiners are in a threat landscape characterized by persistent cyber activity from both state and non-state actors, including PRC-linked pre-positioning campaigns on U.S. critical infrastructure that CISA has documented in successive advisories (most prominently the Volt Typhoon and Salt Typhoon activity), the wave of intrusions targeting U.S. water and wastewater utilities in 2023 and 2024, and ongoing ransomware operations against industrial control systems in the chemical and energy sectors.. Accordingly, if it moves forward with any digital RMP data system, we urge the EPA to conduct and publicly summarize at a high level a comprehensive risk assessment of the Data Tool. The assessment should analyze both the cybersecurity of the tool itself and the risks posed to physical security should the information be used by bad actors.

We also suggest the EPA do the following:

1. Limit public-facing datasets to aggregated or anonymized information;
2. Clearly define and restrict user access tiers;
3. Coordinate with the Department of Homeland Security and the Cybersecurity and Infrastructure Security Agency (CISA) regarding system design;
4. Provide pre-publication notice to facilities and a meaningful, time-bound process by which a facility may flag and seek removal of information whose disclosure would create particularized security risk, analogous to existing confidential business information procedures;
5. Provide states with meaningful consultation regarding data governance and emergency response implications.
6. Align requirements with state and local emergency response frameworks. Recognize the role of Local Emergency Planning Committees, fire departments, and law enforcement, and support coordination with these partners without duplicating or complicating existing emergency planning frameworks.

The security concerns we raise here are not new. State Attorneys General have raised them consistently across multiple administrations and across multiple iterations of the Risk Management Program rule. *See* Letter from States of Louisiana & Texas to the Hon. Gina McCarthy, EPA Adm'r (May 3, 2016); Letter from States of Oklahoma, et al. to the Hon. Gina McCarthy, EPA Adm'r (July 27, 2016); Petition for Reconsideration and Stay, In re Accidental Release Prevention Requirements, Docket No. EPA-HQ-OEM-2015-0725 (Mar. 14, 2017); Letter from States of Oklahoma, et al. to the Hon. Michael Regan, EPA Adm'r (Oct. 31, 2022). We attach these comments and incorporate them by reference. They establish a sustained, principled, and bipartisan-in-its-substance position: any federal mechanism that aggregates or publicly discloses RMP information must be calibrated to the statutory accident-prevention purpose of Section 112(r) and must


not create new intentional-release vulnerabilities. That position has only become more important in the years since these letters were filed, as the cyber- and physical-threat environment facing chemical and energy infrastructure has continued to mature.

States are often the first line of response in the event of both accidents and security incidents. Thus, our States support a regulatory framework that enhances chemical safety through practical, risk-based measures. The proposed rule fixes many of the Biden Administration missteps, but we ask the EPA to implement rigorous access controls on the Data Tool so that it can ensure that data access initiatives do not inadvertently introduce new vulnerabilities.

Respectfully submitted,



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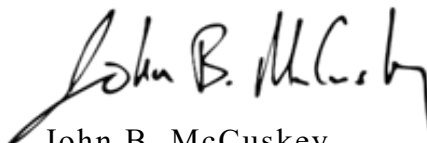
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