



July 14, 2021

Via Electronic Submission

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

**RE: Accidental Release Prevention Requirements: Risk Management Programs
Under the Clean Air Act; Notice of Virtual Public Listening Sessions;
Docket # EPA-HQ-OLEM-2021-0312-0001**

Dear Mr. Belke:

On behalf of the Agricultural Retailers Association (ARA), I am submitting comments regarding the EPA's request for stakeholder input to review the EPA's Risk Management Program's (RMP) revisions completed since 2017 and to address new priorities, as directed under Executive Order 13990: Protecting Public Health and the Environment and Restoring Science To Tackle the Climate Crisis (E.O. 13990). The purpose of the proposed changes will promote better emergency planning and public information about accidents while resulting in significant costs savings for RMP regulated facilities.

Statement of Interest

ARA is a not-for-profit trade association that represents America's agricultural retailers and distributors. ARA members provide goods and services to farmers and ranchers which include fertilizer, crop protection chemicals, seed, crop scouting, soil testing, custom application of pesticides and fertilizers, and development of comprehensive nutrient management plans. Retail and distribution facilities are scattered throughout all 50 states and range in size from small family-held businesses or farmer cooperatives to large companies with multiple outlets.

Comments

ARA members play an important role in providing farmers with essential crop input products such as fertilizers, pesticides, seed and equipment. Anhydrous ammonia is an efficient and widely used source of nitrogen fertilizer, especially for crops such as corn. Some of the reasons for its importance is that the fact it is by far the most concentrated at 82% nitrogen; can be applied long before the crop is planted (even in the Fall); and

usually represents a less expensive source of nitrogen. However, it is considered a hazardous material and toxic inhalation hazard (TIH) as needs to be stored, handled, transported, and applied with care. Our industry is fully committed and understands the importance of chemical safety and security. ARA members communicate and engage with employees, local first responders, and the community to all environmental, health, safety and security matters.

In 2014, ARA and The Fertilizer Institute (TFI) created ResponsibleAg Inc. a non-profit organization founded to promote the public welfare by assisting agribusinesses as they seek to comply with federal environmental, health, safety and security rules regarding the safe handling and storage of fertilizer products. The organization provides participating businesses a federal regulatory compliance audit relating to the safe storage and handling of fertilizers, recommendations for corrective action where needed and a robust suite of resources to assist in this regard.

ARA believes the current Risk Management Programs (RMP) regulations are working well and the data clearly shows that to be the case. We are concerned that additional, unnecessary regulations may be imposed similar to earlier proposals during the Obama Administration that will create a significant increase in compliance costs on the agricultural industry, potentially make sensitive security information available to the public, and not provide any significant safety increases .

The agricultural industry is now trying to rebound from the economic impact of the Covid-19 shut-downs and increasingly competitive global marketplace. EPA adding more regulations on Agricultural retail facilities that require them to spend thousands of dollars and not make the public significantly safer will only lead to the closure of facilities and loss of jobs in rural communities.

EPA and other federal agencies such as OSHA need to work with industry on increased compliance assistance and updating regulations in a more targeted way that will address known issues such as the Tier II reports or updating the storage and handling requirements for anhydrous ammonia and ammonium nitrate through a formal rulemaking process that are in alignment with industry consensus standards and practices

An inherently safer technology (IST) requirement added to the RMP regulations will require Agricultural retailers to assess if substitute products exist for ammonia; the most likely substitutes are UAN solutions and urea. A significant number of Retailers would drop ammonia from their product line to avoid falling under an RMP IST regulatory requirement. Farmers across the United States, and particularly in the Midwest, would no longer have access to the lowest cost form of nitrogen. Replacing some to all the million tons of nitrogen currently used by U.S. farmers in the form of ammonia will be difficult, if not impossible, and very costly.

ARA looks forward to continuing working with EPA and other agencies to increase compliance assistance through coordination of voluntary industry programs such as RA and focusing on targeted regulatory updates to address known issues. Thank you for your review and consideration of our comments! Please contact me at 202-595-1699 or richard@aradc.org if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard D. Gupton". The signature is written in a cursive style with a large initial 'R'.

Richard D. Gupton
Senior Vice President, Public Policy & Counsel

