

**To:** Dravis, Samantha[dravis.samantha@epa.gov]  
**Cc:** PolicyOffice[PolicyOffice@epa.gov]; Bolen, Brittany[bolen.brittany@epa.gov]  
**From:** Richard Gupton  
**Sent:** Thur 8/24/2017 12:48:23 PM  
**Subject:** EPA General Duty Clause Enforcement Action

Ms. Dravis

I work for the Agricultural Retailers Association (ARA), which represents the nation's agricultural retailer and distributors. I am reaching out to you to see if you and other Senior EPA officials, including Administrator Pruitt, would be available to meet with a group of trade associations to discuss the General Duty Clause, as codified in section 112(r)(1) of the Clean Air Act. We support President Trump's Executive Order to initiate a regulatory reform task force and believe there is a need to properly clarify the intent and scope of the General Duty Clause.

The trade associations that are part of this coalition include ARA, American Fuel & Petrochemical Manufacturers, Corn Refiners Association, Institute of Makers of Explosives, International Liquid Terminals Association, National Association of Chemical Distributors, and National Oilseed Processors Association.

In recent years, EPA has increasingly used the General Duty Clause to impose substantial penalties on facilities, often in situations unrelated to "addressing preventable hazards to public health and the environment"[\[1\]](#). As there exists no rule underpinning the implementation of the General Duty Clause, including its relationship to Risk Management Program (RMP) regulatory obligations, industry is left in an uncertain and untenable position. Industry needs greater certainty to know how compliance with the Clause is measured and when compliance has been achieved.

Thank you for your review and consideration of this request! I look forward to hearing from you.

Best regards,

Richard

Richard Gupton

Senior Vice President, Public Policy & Counsel

Agricultural Retailers Association

*Suppliers to America's Farmers*

1156 15th Street, NW | Suite 500 | Washington, D.C. 20005

Direct: 202.595.1699 | Main: 202.457.0825 | Fax: 202.457.0864

[richard@aradc.org](mailto:richard@aradc.org)

[www.aradc.org](http://www.aradc.org)

**Connect on [Ag Retail Exchange](#), the ARA online community.**

**Save the Date**

*ARA Conference & Expo >> November 27-30, 2017*

*Arizona Biltmore: A Waldorf Astoria Resort >> Phoenix, Arizona.*

---

---

[1] Risk Management Plan Rule: Summary and Response to Comments, Volume 1, Pg. 32-1,  
May 24, 1996