



March 20, 2025

The Honorable Russell Vought
Director, U.S. Office of Management and Budget
725 17th Street, N.W.
Washington, D.C. 20503

Dear Director Vought:

In response to the Executive Order titled *Regulatory Freeze Pending Review*, which tasked OMB with reviewing regulations that have yet to go into effect, the Corn Refiners Association writes to highlight concerns about recent regulatory action from the Occupational Safety and Health Administration (OSHA) and Environmental Protection Agency (EPA). These executive policy changes threaten to harm rural manufacturing by adding considerable compliance burdens without delivering measurable benefits.

The Corn Refiners Association is the national trade association representing 100% of the corn refining industry in the United States. America's corn refiners manufacture hundreds of products with thousands of uses, including sweeteners, starches, advanced bioproducts, corn oil, and feed products, from dent corn components such as starch, oil, protein, and fiber.

We are deeply concerned about the potential ramifications of the following regulatory actions that have yet to take effect:

- **OSHA's Heat Stress Proposed Rule**
- **EPA's 2024 Risk Management Final Rule**
- **EPA's Wrongful Application of MON NESHAP Standards to Corn Refining Facilities**

Withdraw OSHA Proposed Heat Stress Proposed Rule

CRA recommends that OSHA withdraw this proposed rule, as the proposal lacks clear statutory authority or a demonstration of occupational hazard and would adversely affect workplace safety in corn refining facilities.

Background

On August 30, 2024, OSHA proposed the first-ever federal heat injury and illness prevention standards, which would require workplaces to monitor and control heat-related hazards. CRA member facilities prioritize workplace safety and have historically demonstrated that working in a corn refining facility is as safe as working in an office. While they support genuine efforts to improve workplace safety, this



proposal imposes a one-size-fits-all framework, disregarding our industry's robust, tailored, and effective heat safety protocols.

Concerns

- CRA member companies have detailed heat safety protocols specifically tailored to their facilities' geographic region, complex industrial design, and workforce. However, the proposed rule ignores these well-functioning plans and threatens to replace them with an unworkable single framework.
- The proposed framework overlooks critical factors such as:
 - Workers' underlying health conditions
 - Local weather and climate conditions
 - The unique nature of the work being performed
- It is not clear if OSHA has the statutory authority to promulgate such a rulemaking.

Rescind EPA's 2024 Risk Management Program (RMP) Final Rule

CRA recommends that OMB work with EPA to rescind this final rule due to concerns over STAA implementation and security. We also recommend that EPA and OSHA work together to minimize the regulatory overlap between the RMP and PSM.

Background

On February 27, 2024, EPA finalized a rule amending its Risk Management Program (RMP), the regulatory framework seeking to prevent the accidental release of regulated chemical substances into neighboring communities. The RMP has significant overlap with OSHA's Process Safety Management (PSM) program, which focuses on chemical safety within the workplace. Both frameworks have a significant amount of identical or very similar reporting and monitoring requirements, leading to significant and duplicative regulatory burdens for CRA member facilities.

OSHA first proposed these amendments in January 2017. However, EPA issued a Reconsideration Final Rule in December 2019, rescinding or reducing many of the concerning changes made by the proposal. In August 2022, EPA proposed many of the same amendments featured in the 2017 proposal, which served as the basis for the 2024 final rule. These changes fail to remedy overlap with the PSM program and include additional concerns.

Concerns

- The final rule requires workplaces to both conduct a safer technologies and alternatives analysis (STAA) – an analysis that highlights technology or safety measures that a facility could implement to improve safety – and implement at least one of its recommendations. However,



this requirement does not account for existing and well-functioning safety measures nor the recommended measure's cost or effectiveness. This may lead to situations where facilities with strong safety records are forced to employ duplicative, costly, and/or only marginally improved systems just to comply with the regulation.

- The rule requires facilities to provide sensitive chemical hazard information to anyone “working or spending significant time within 6 miles” of the facility. This amendment creates considerable security concerns for both the facility and the community surrounding it, as any bad actor can claim to spend “significant time” within the 6-mile boundary. EPA will also require facilities to verify that individuals requesting sensitive information satisfy the 6-mile requirement and to keep a record of all such requests for at least five years. It would impose a significant regulatory burden to service a grave security concern.

Affirm NESHAP Distinction Between Chemical Manufacturing and Agricultural Processing Facilities

EPA should issue clear guidance to EPA regional offices reaffirming the long-standing regulatory distinction between chemical manufacturing and agricultural processing and ensuring regional office adherence to existing laws and precedents. Ensuring consistent and transparent regulatory processes will help safeguard investment in the agriculture-based bioeconomy and support the continued growth of this critical sector.

Background

Agricultural and chemical manufacturing plants have historically been regulated differently by EPA. The chemical sector, governed by stringent emissions and safety regulations, is subject to rules such as the Hazardous Organic NESHAP (HON) and the Miscellaneous Organic NESHAP (MON), which were designed to cover facilities producing high volumes of chemicals under specific Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) codes. These rules are based on the nature and volume of emissions generated by chemical manufacturing processes.

Conversely, agricultural facilities, while sometimes using similar chemical processes, have generally operated with lower emissions profiles and environmental impacts. As a result, agricultural facilities, such as corn refining facilities, have not been subject to the same regulatory scrutiny as chemical plants. Historically, EPA has acknowledged this distinction and regulated agricultural processes separately from chemical manufacturing, even when agricultural facilities produce products like ethanol or citric acid that overlap with chemical sector outputs.

Concerns

- Recent actions by certain EPA regional offices challenge this precedent by extending the scope of the MON to cover processes in agricultural facilities, like corn refineries, which have



traditionally been exempt from chemical manufacturing standards.

- This novel interpretation has caused concern within the agricultural industry, as it threatens to blur the lines between chemical and agricultural processes without appropriate public notice and comment or regulatory clarity.
- This new EPA 'interpretation' of its rule to extend MON regulatory burden to corn refineries would increase regulatory compliance costs in excess of \$2 million per facility annually, plus \$10 million in initial investments.

We look forward to working with the Administration to address these concerns and ensure that regulatory policies are effective, evidence-based, and considerate of industry-specific safety practices.

Sincerely,

A handwritten signature in black ink, appearing to read "John W. Bode", written over a light blue horizontal line.

John W. Bode
President and CEO
Corn Refiners Association