



CAA RMP RECONSIDERATION RULE

US EPA
Office of Emergency Management
January 2020

RISK MANAGEMENT PROGRAM (RMP) BACKGROUND

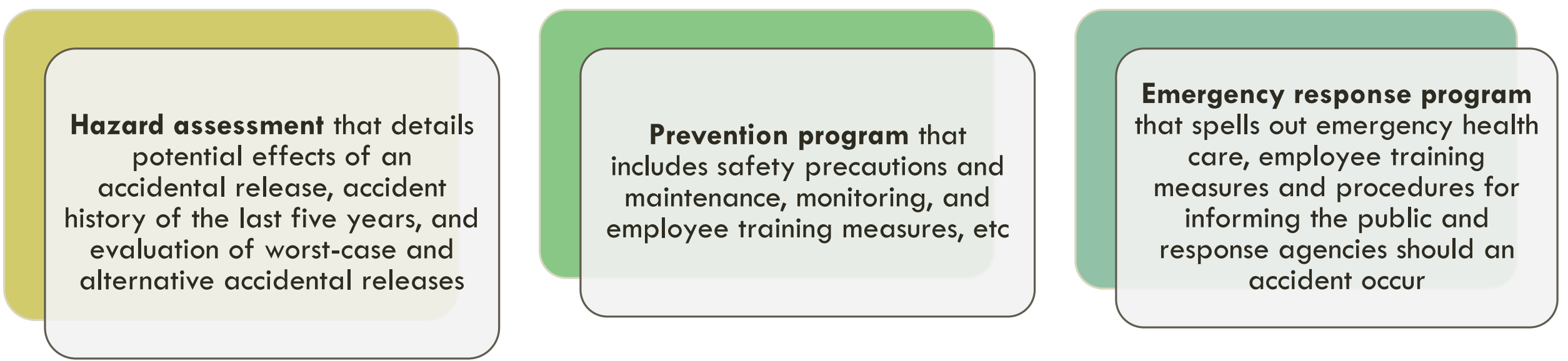
Clean Air Act Amendments of 1990
Clean Air Act Risk Management Program 1996
40 CFR Part 68 regulations

Created in response to industrial accidents

Purpose:

- prevent accidental releases of substances that can cause serious harm to the public and environment from short term exposure
- mitigate severity of releases that do occur

Requires sources holding specific toxic and flammable chemicals above threshold quantities in a process to develop risk management programs to prevent and mitigate chemical accidents.



Hazard assessment that details potential effects of an accidental release, accident history of the last five years, and evaluation of worst-case and alternative accidental releases

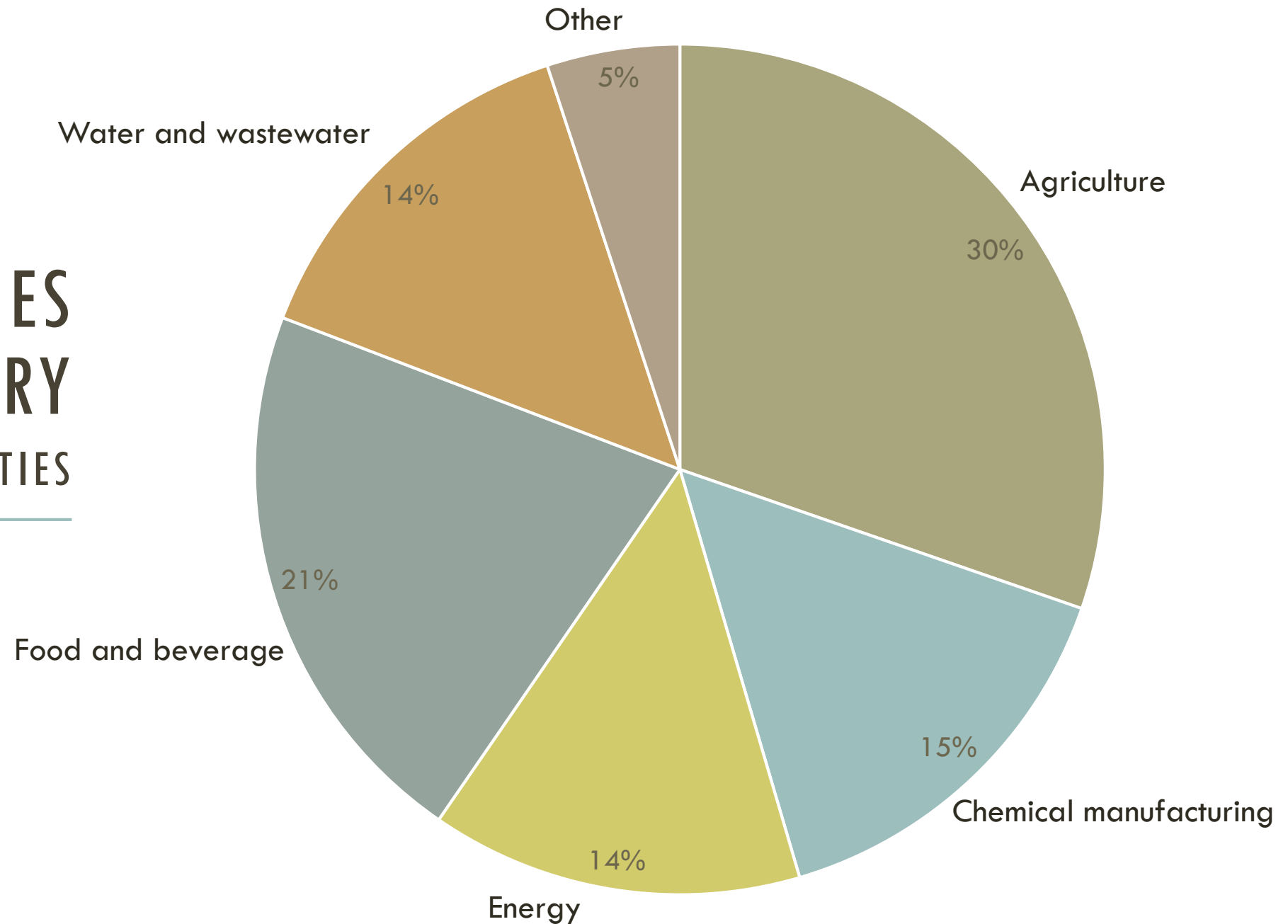
Prevention program that includes safety precautions and maintenance, monitoring, and employee training measures, etc

Emergency response program that spells out emergency health care, employee training measures and procedures for informing the public and response agencies should an accident occur

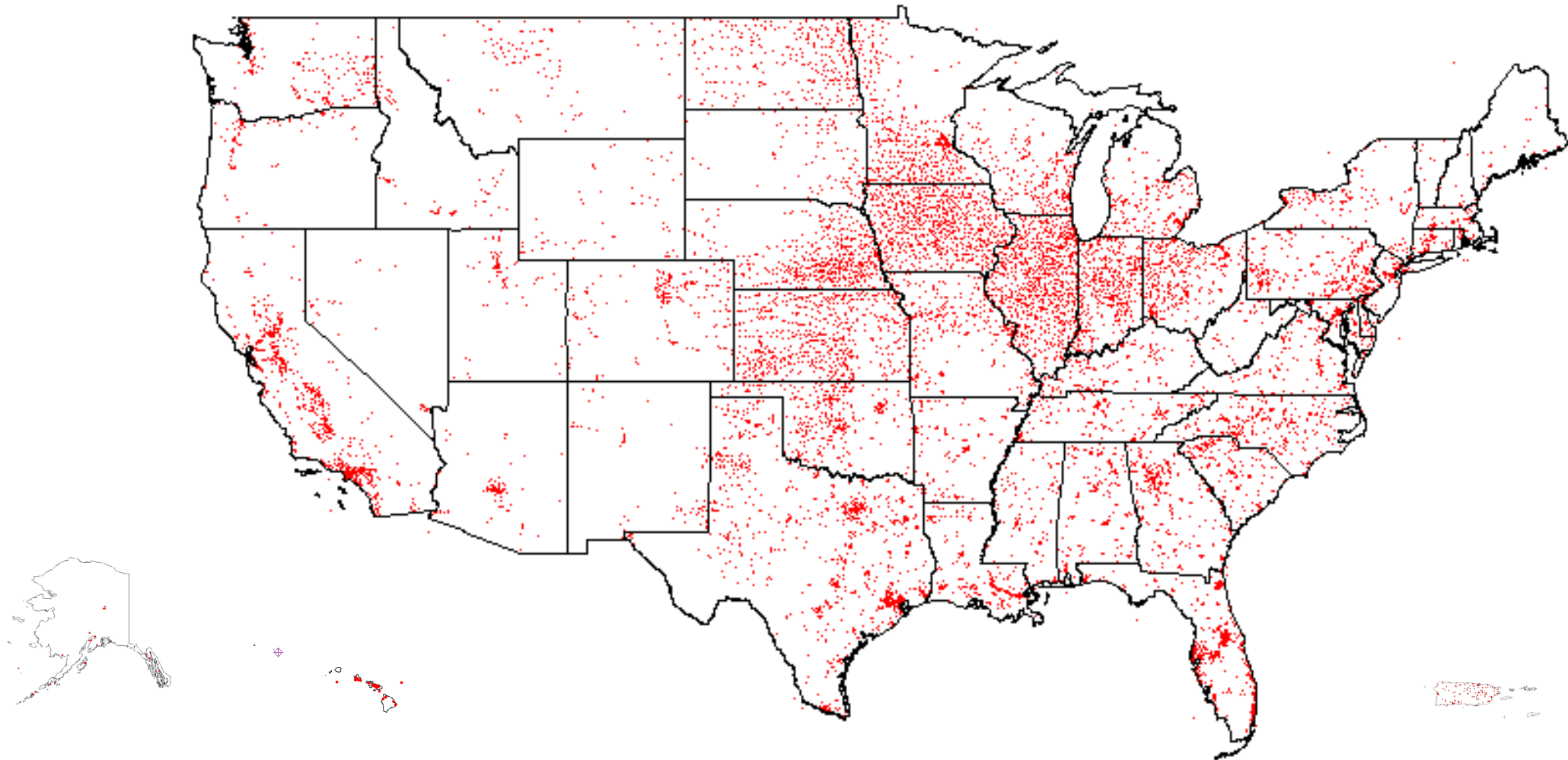
WHAT DOES A RISK MANAGEMENT PROGRAM
INCLUDE?

RMP FACILITIES BY INDUSTRY

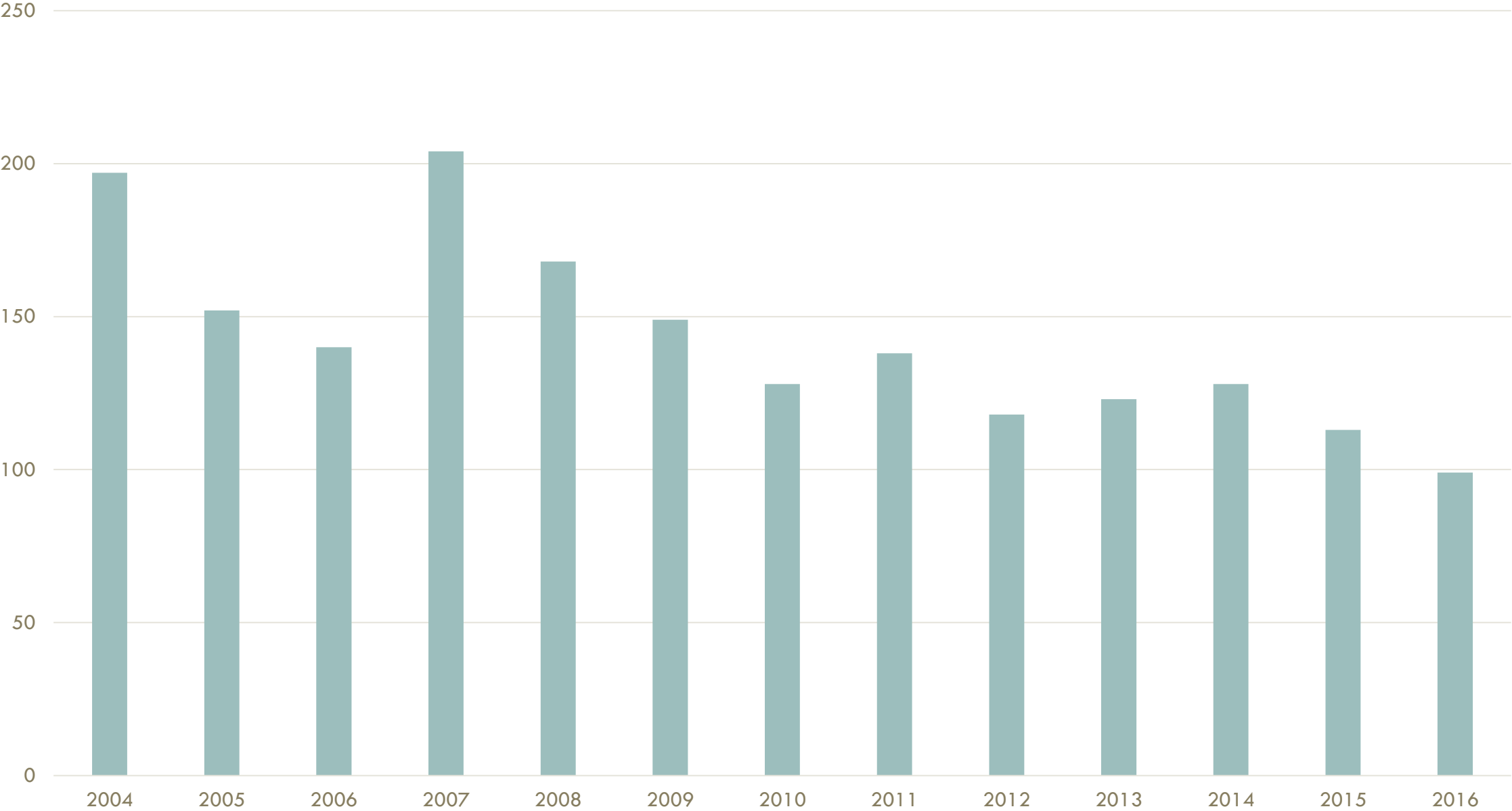
12,500 FACILITIES



RMP FACILITY LOCATIONS



NATIONAL RMP ACCIDENT HISTORY BY YEAR



CHANGES TO RMP REGULATIONS BEGIN

August 1, 2013: President Obama issued Executive Order **(EO) 13650 Improving Chemical Facility Safety and Security** following catastrophic chemical facility incidents in the US.

Key areas of emphasis:

- Strengthening community planning and preparedness
- Enhancing federal operational coordination
- Improving data management
- Modernizing policies and regulations



RMP AMENDMENTS RULE TIMELINE

RMP Request for Information published

July 31, 2014

RMP Final Amendments published

January 13, 2017

March 14, 2016

RMP Proposed Amendments Rule published

RMP AMENDMENTS FINAL RULE

Accident Prevention Program (40 CFR 68 Subparts C/D)

- Third party audits
- Safer technology and alternatives analysis
- Incident investigation root cause analysis

Emergency Response Program (40 CFR 68 Subpart E)

- Enhanced local emergency coordination requirements
- Emergency exercise provisions

Information availability requirements (40 CFR 68 Subpart H)

- Facility chemical hazard information
- Facility public meeting

RMP AMENDMENTS FINAL RULE

Other minor provisions

- Minor changes to accident prevention program provisions
- Technical corrections and clarifications
- Changes to risk management plan

Compliance dates

- New local emergency coordination provisions
March 2018
- New prevention program, exercises and information availability provisions
March 2021
- Risk management plans update
March 2022

BATF finding that fire and explosion in West, Texas, was caused by a criminal act rather than accident

Potential security risks with information disclosure requirements in final Amendments rule

Concerns with the costs of the Amendments rule

Concerns that EPA did not adequately coordinate with OSHA

WHY DID EPA RECONSIDER THE RMP AMENDMENTS FINAL RULE?

Maintain	consistency of RMP accident prevention requirements with the OSHA Process Safety Management (PSM) standard
Address	security concerns
Reduce	unnecessary regulations and regulatory costs
Revise	some compliance dates to provide necessary time for program changes.

RECONSIDERATION RULE'S AIM

RMP RECONSIDERATION FINAL RULE TIMELINE

EPA's Administrator signed final rule to delay effective date of the RMP rule amendments until February 19, 2019

June 9, 2017

DC Circuit Court's vacatur/mandate to make Amendments rule effective

September 21, 2018

May 30, 2018

Proposed RMP Reconsideration Rule published

December 19, 2019

Final RMP Reconsideration Rule published

RMP
RECONSIDERATION
FINAL RULE
**ACCIDENT
PREVENTION
PROGRAM**

Rescinded **third party audits**



Rescinded **safer technology and alternatives analysis**



Rescinded **root cause analysis incident investigation**



Retained **minor provisions**: Program 2 incident investigation team requirements and 'reports' term; safety information 'SDS' term

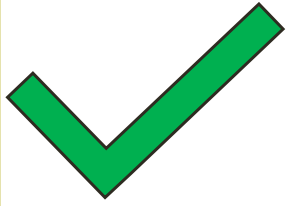


Rescinded all other **minor provisions**

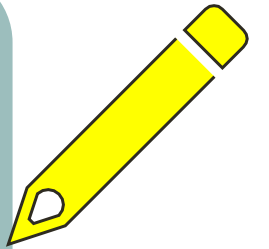


RMP
RECONSIDERATION
FINAL RULE
**EMERGENCY
RESPONSE
PROGRAM/
EMERGENCY
COORDINATION**

Retained **annual coordination** with
local response organizations and
documentation of
coordinated activities



Modified provision to enable
emergency response planners to
obtain information “necessary for”
planning and implementation of
local emergency response plans



RMP RECONSIDERATION FINAL RULE EMERGENCY RESPONSE PROGRAM/ EMERGENCY EXERCISE

Retained **annual notification drills**



Retained requirement to **perform field and tabletop exercises**



Retained **tabletop exercises frequency**, every 3 years



Modified **field exercises frequency** by removing minimum frequency requirement (owner or operator must still consult with response officials on frequency)

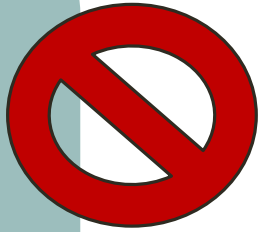


Modified **documentation requirements** by only recommending items for exercise reports

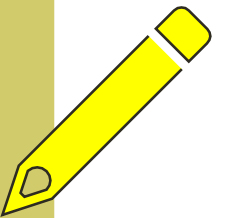


RMP
RECONSIDERATION
FINAL RULE
**INFORMATION
AVAILABILITY**

Rescinded requirement to
provide chemical hazard
information to public
on request



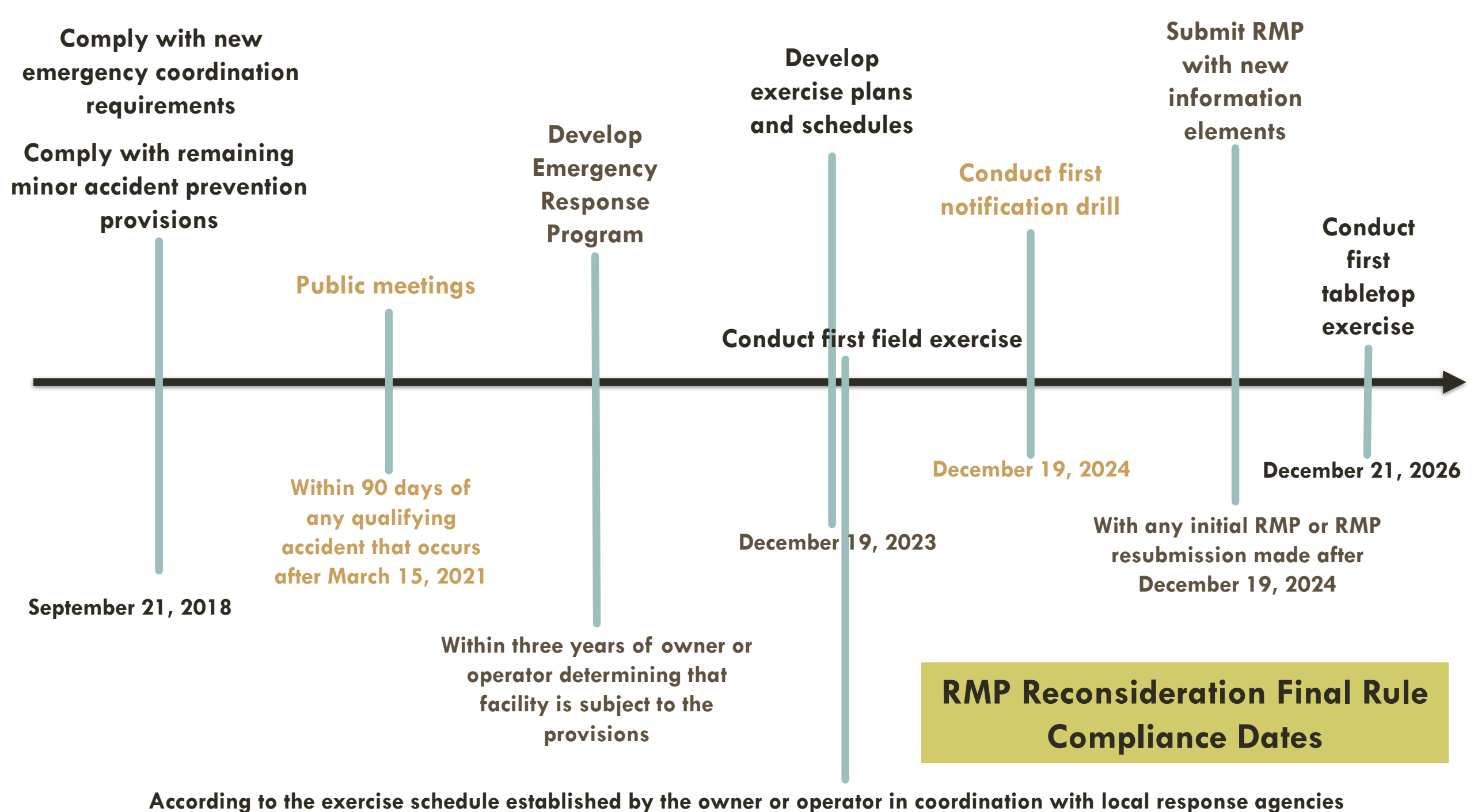
Modified public meeting
requirement to require meeting
within 90 days only for
accidents with off-site impacts



WHAT FACILITY CHEMICAL INFORMATION IS AVAILABLE TO THE PUBLIC NOW?



- Read-only access to the full version of facility RMPs at reading rooms by appearing in person at a Federal reading room
- Read-only RMP access directly from the local emergency planning committee in the location where the person lives or works
- Submitting a FOIA request to EPA
- Information available under the Emergency Planning and Community Right-to-Know Act



December 19, 2019 RMP Reconsideration Final Rule Compliance Dates

What	Due Date
Public meetings	Within 90 days of any qualifying accident that occurs after March 15, 2021
Develop Emergency Response Program	Within three years of owner or operator determining that facility is subject to the provisions
Develop exercise plans and schedules	December 19, 2023
Conduct first notification drill	December 19, 2024
Conduct first tabletop exercise	December 21, 2026
Conduct first field exercise	According to the exercise schedule established by the owner or operator in coordination with local response agencies
Submit RMP with new information elements	The owner or operator would provide new information elements with any initial RMP or RMP resubmission made after December 19, 2024
Comply with new emergency coordination requirements	Already in effect as of September 21, 2018
Comply with remaining minor accident prevention provisions	Already in effect as of September 21, 2018

WHAT IS EPA DOING TO PREVENT FUTURE CHEMICAL ACCIDENTS?



Retention of all prevention provisions that have resulted in long-term trend of fewer significant chemical accidents

New RMP Reconsideration Rule provisions

National Compliance Initiative for Reducing Risks of Accidental Releases at Industrial and Chemical Facilities



QUESTIONS