



# 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

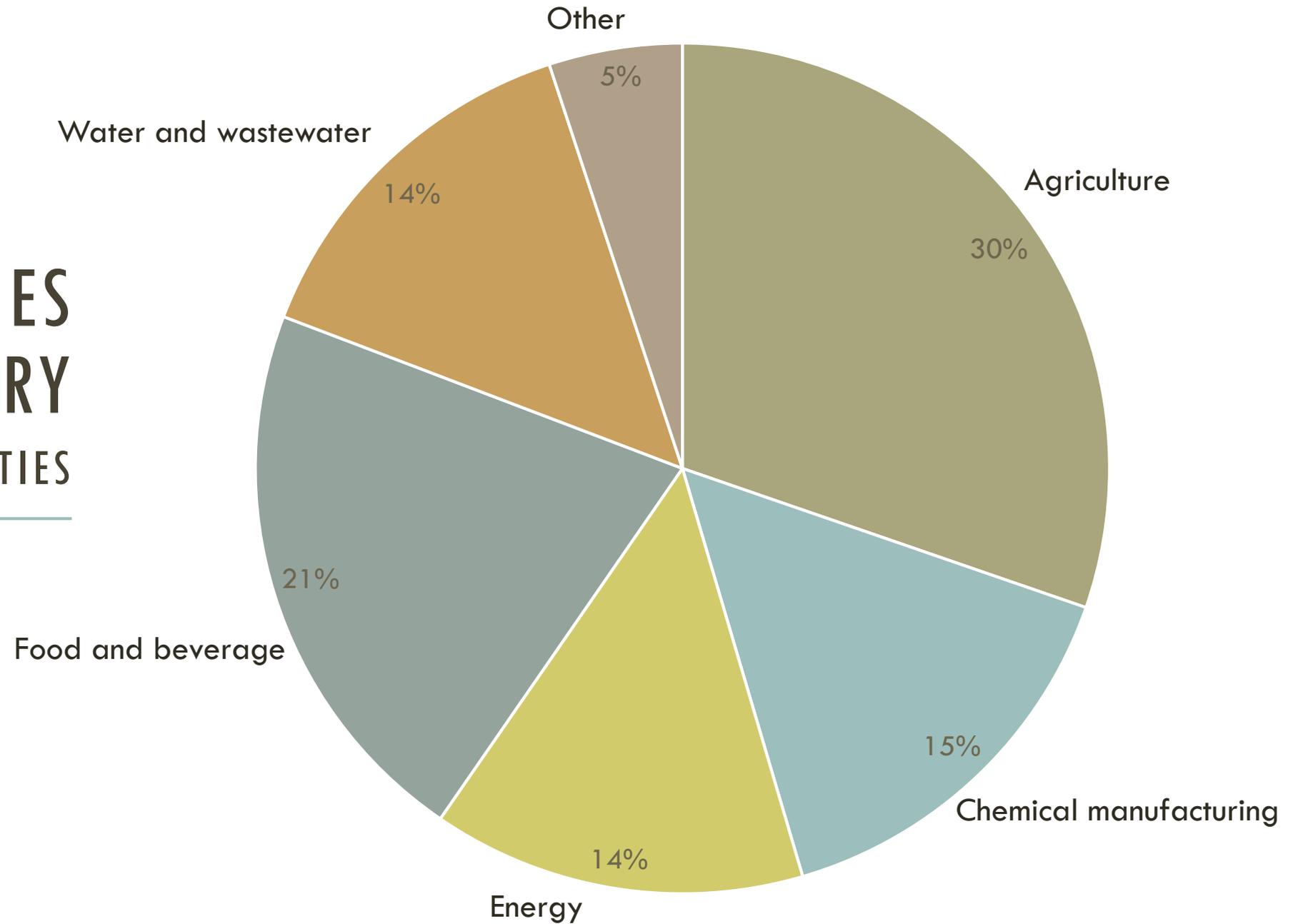
**Emergency response program** that spells out emergency health care, employee training measures and procedures for informing the public and response agencies should an accident occur

WHAT DOES A RISK MANAGEMENT PROGRAM INCLUDE?

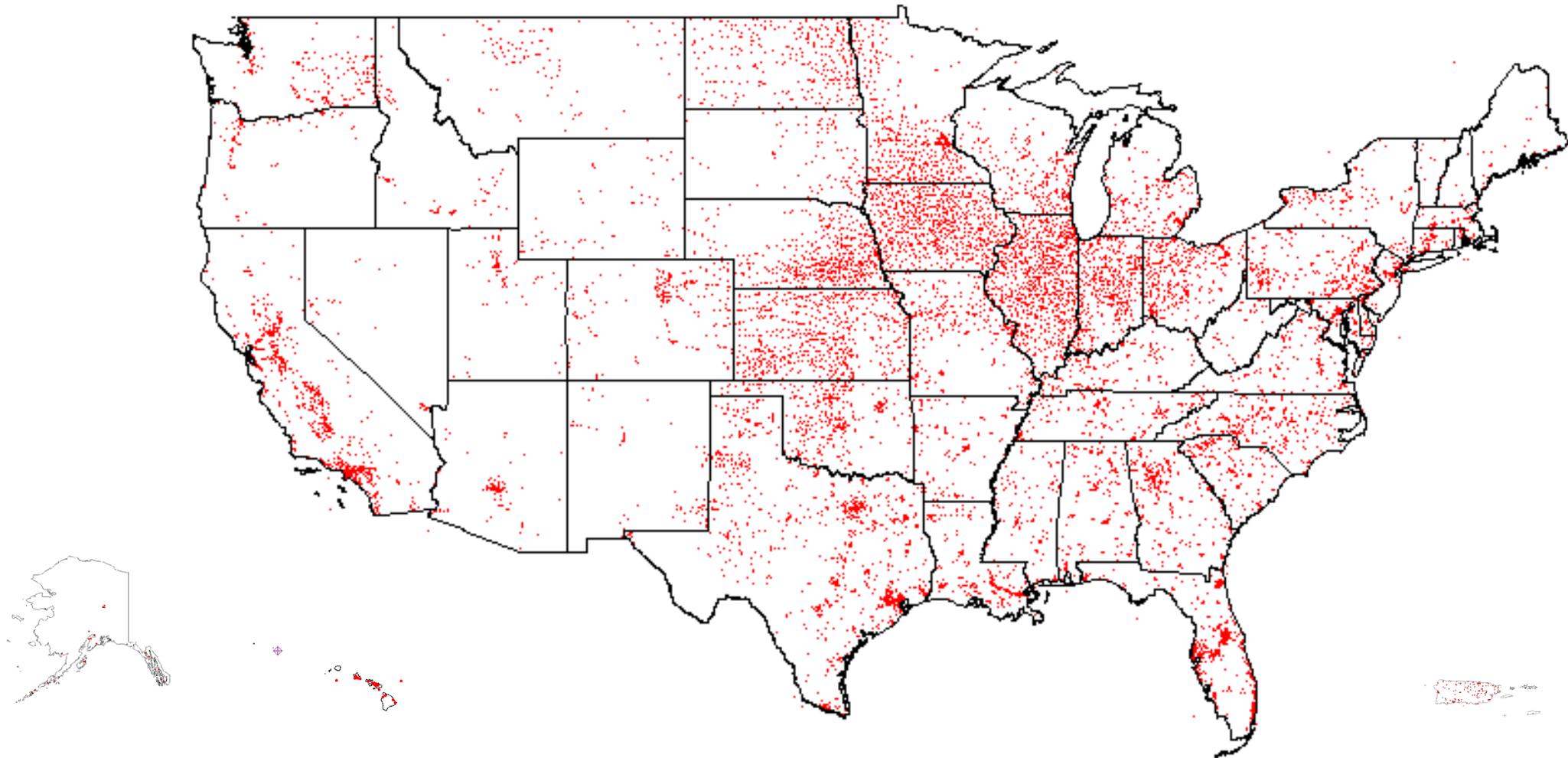
# RMP FACILITIES BY INDUSTRY

12,500 FACILITIES

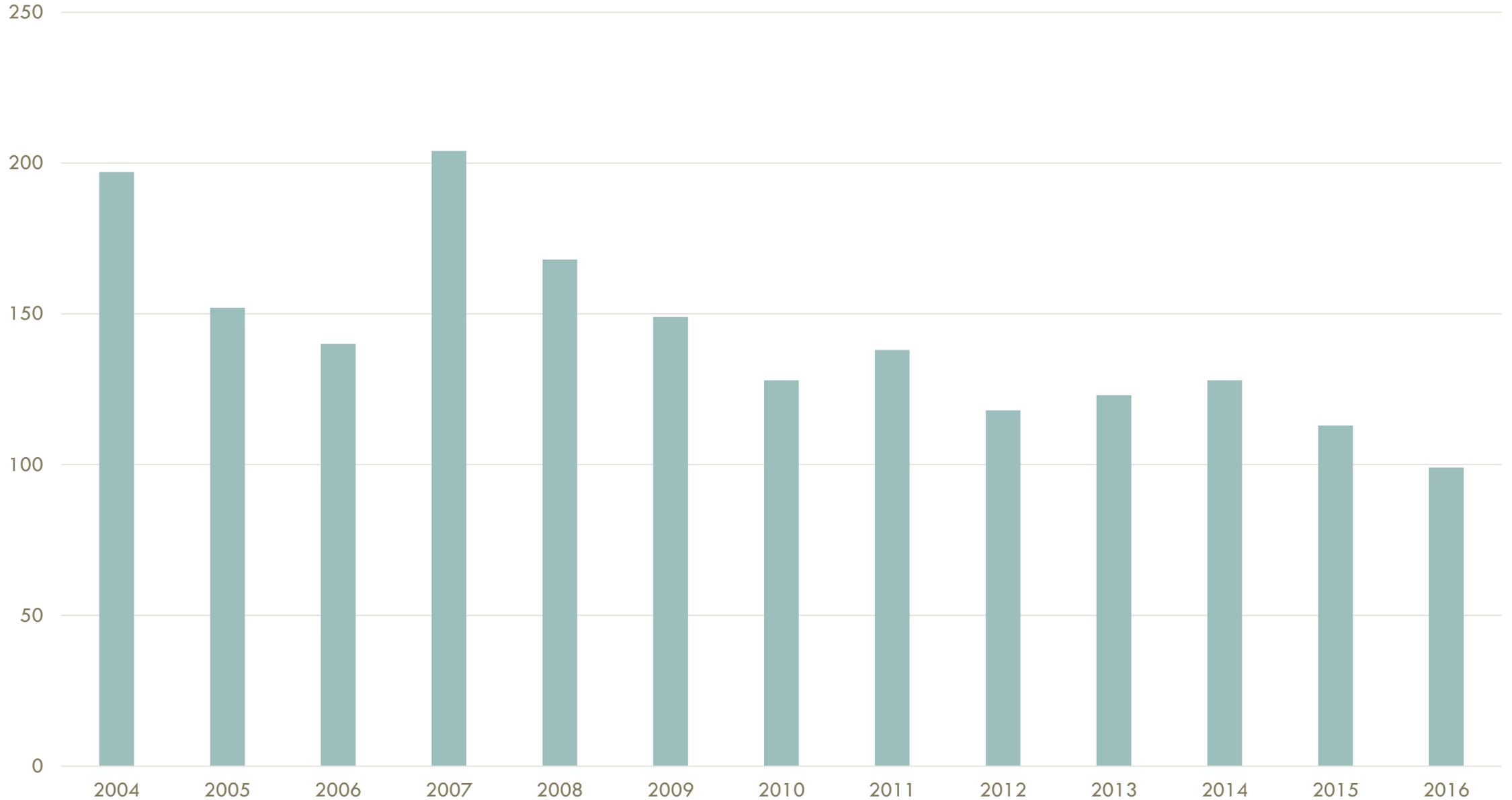
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# RMP FACILITY LOCATIONS



# 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?

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

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## 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

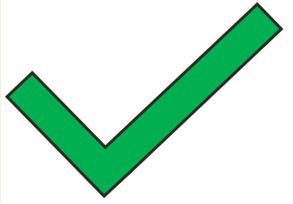


Rescinded all other **minor provisions**

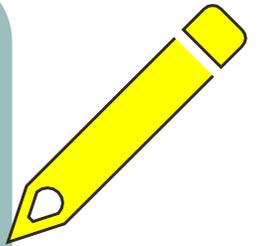


RMP  
RECONSIDERATION  
FINAL RULE  
**EMERGENCY  
RESPONSE  
PROGRAM/  
EMERGENCY  
COORDINATION**

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**



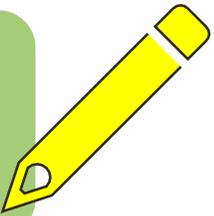
Retained requirement to **perform field and tabletop exercises**



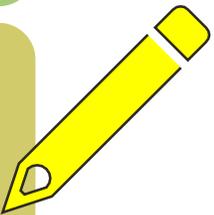
Retained **tabletop exercises frequency, every 3 years**



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

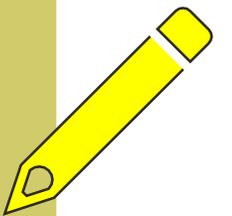


RMP  
RECONSIDERATION  
FINAL RULE  
**INFORMATION  
AVAILABILITY**

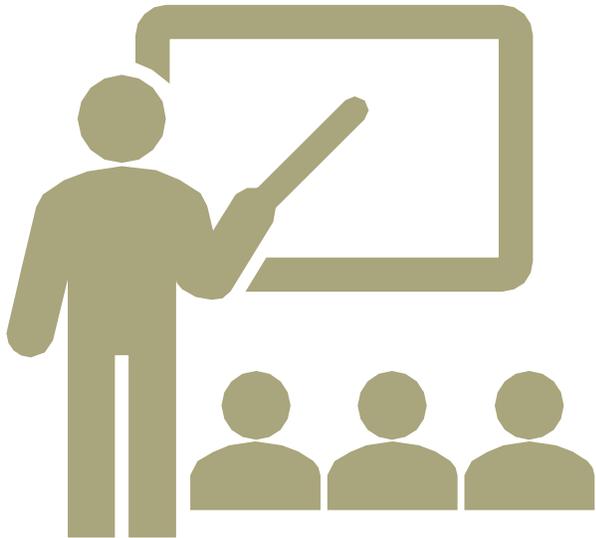
Rescinded requirement to  
provide chemical hazard  
information to public  
on request



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

**Comply with new emergency coordination requirements**

**Comply with remaining minor accident prevention provisions**

**Submit RMP with new information elements**

**Develop exercise plans and schedules**

**Develop Emergency Response Program**

**Conduct first notification drill**

**Conduct first tabletop exercise**

**Public meetings**

**Conduct first field exercise**

**Within 90 days of any qualifying accident that occurs after March 15, 2021**

**December 19, 2024**

**December 21, 2026**

**December 19, 2023**

**With any initial RMP or RMP resubmission made after December 19, 2024**

**September 21, 2018**

**Within three years of owner or operator determining that facility is subject to the provisions**

**RMP Reconsideration Final Rule Compliance Dates**

**According to the exercise schedule established by the owner or operator in coordination with local response agencies**

# December 19, 2019 RMP Reconsideration Final Rule Compliance Dates

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

# WHAT IS EPA DOING TO PREVENT FUTURE CHEMICAL ACCIDENTS?



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

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New RMP Reconsideration Rule provisions

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



QUESTIONS |