

RMP Reconsideration Rule Highlights



RRT October 2020



RMP Background

Clean Air Act Amendments of 1990

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.



RMP-Risk Management Plans

- Covers facilities with one or more of the 140 regulated substances above threshold quantities
- Requires facilities to:
 - Implement an accident prevention program
 - Implement an emergency response program
 - Conduct a hazard assessment
 - Submit a summary report “RMP” to EPA
- RMPs available to government, limited public access



RMP-Program Levels

Dependent on risk:

- Program 1
 - No public receptors in worst case scenario zone
 - No accidents w/offsite impacts in last 5 years
- Program 2
 - Facilities not in Program 1 or Program 3
- Program 3
 - Not eligible for Program 1
 - Already covered by OSHA PSM standard, or
 - Process in 1 of 10 specified NAICS codes



RMP's-Owner/Operator Requirements

1) Conduct Hazard Assessment (P1, P2, P3)

2) Develop and Implement an Accident Prevention Program (P2, P3)

3) Implement Emergency Response Program (P2, P3)

4) Develop Management System (P2, P3)

5) Submit Risk Management Plan to EPA (P1, P2, P3)



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 (2nd req-P2/P3)

(40 CFR 68 Subparts C/D)

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

Emergency Response Program (3rd req-P2/P3)

(40 CFR 68 Subpart E)

- **Enhanced local emergency coordination requirements**
- **Emergency exercise provisions**

Information availability requirements (4th req P2/P3)

(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

RMP Amendments Delayed

- June 2017- RMP Amendments Rule was delayed for 20 months.
- Work began on the RMP Reconsideration Rule





Why was the RMP Amendments Final Rule reconsidered?

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



RMP Reconsideration rule's aim

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.



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

2nd requirement (P2/P3): 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

3rd requirement (P2/P3)

Emergency Response/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**





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3rd requirement (P2/P3)

Emergency Response/Emergency Exercise

Retained **annual notification drills**



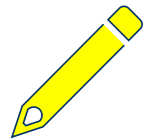
Retained requirement to **perform field and tabletop exercises**



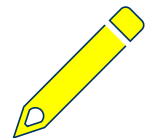
Retained **tabletop exercises frequency**, every 3 years



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





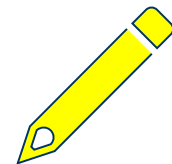
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4th requirement (P2/P3): Management System-Information Availability

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

RMP Reconsideration Final Rule- Compliance Dates

Comply with new
emergency coordination
requirements

Comply with remaining
minor accident prevention
provisions

Public meetings

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

September 21,
2018

Develop
Emergency
Response
Program

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

Develop
exercise
plans and
schedules

Dec 19, 2023

Conduct
first
notification
drill

Dec 19, 2024

Submit
RMP with
new
information
elements

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

Conduct
first
tabletop
exercise

Dec 21, 2026

Conduct first field exercise

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



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



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