



# Summary of Proposed Rule – RMP Safer Communities by Chemical Accident Prevention

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# Agenda

- ❑ Background on RMP Rule
- ❑ Why is the RMP Rule Being Revised?
- ❑ What Revisions are Proposed?
- ❑ What's Next?





## What is the RMP Rule?

- ❑ The Risk Management Program (RMP) Rule implements Section 112(r) of the 1990 Clean Air Act Amendments at 40 CFR Part 68.
- ❑ The rule was developed to prevent chemical accidents at facilities that use extremely hazardous substances.
- ❑ These facilities must develop a Risk Management Plan.
- ❑ The plan identifies potential effects of chemical accidents, steps to prevent an accident, emergency response procedures.
- ❑ Plans must be reviewed and resubmitted to EPA every 5 years.
- ❑ Facilities are in Program 1, 2, or 3 based on industry and risk, Program 3 has the most requirements.



## How did we get Here?

- ❑ A list of regulated substances and threshold quantities was developed in the 1994.
- ❑ The original RMP rule was finalized in 1996 and required facilities holding more than a threshold quantity of a regulated substance to comply.
- ❑ The Obama EPA made substantial changes to the rule in 2017.
- ❑ The Trump EPA rolled back many of those changes in 2019.
- ❑ The Biden EPA proposed additional changes on August 18, 2022.



## Why is the RMP Rule Being Revised?

- ❑ On January 20, 2021, President Biden issued EO 13990, “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.”
- ❑ EO 13990 directed federal agencies to review existing regulations and take action to address priorities established by the current Administration, which include bolstering resilience to the impacts of climate change and prioritizing environmental justice (EJ).
- ❑ The RMP Rule was one item in that EO that EPA was directed to review.
- ❑ Several public listening sessions prompted proposed revisions.



## What is Being Revised?

- EPA has classified the proposed changes into four categories:
  1. Prevention program updates
  2. Revisions to emergency response requirements
  3. Enhancing information availability
  4. Other areas of technical clarification
- Comments are due October 31, 2022.



# Safer Technologies and Alternatives Analysis (STAA)

- The 2022 proposed rule includes a requirement for petroleum and chemical facilities in NAICS 324 and 325 located within 1 mile of other NAICS 324 and 325 facilities to consider and document the feasibility of safer technologies.
- All facilities in NAICS 324 using HF in an alkylation unit would be required to consider safer alternatives to HF alkylation.
- STAA considers: inherently safer technology, inherently safer design, passive measures, active measures, and procedural measures.



## Other Prevention Program Updates

- ❑ Natural hazards (including those associated with climate change) and loss of power must be addressed in Program 2 hazard reviews and Program 3 Process Hazard Analyses (PHA).
- ❑ Facility siting should be addressed as part of both evaluations (consider location of processes and proximate facilities).
- ❑ EPA is proposing to require air pollution control devices or monitoring equipment associated with prevention and detection of accidental releases from RMP-regulated processes to have standby or backup power.





## Prevention Program Updates, Cont.

- ❑ Program 2 and 3 facilities must list recommendations from the natural hazard, loss of power, and siting analyses and justification for declining them.
- ❑ Program 2 and 3 facilities must conduct a root cause analysis as part of an accident investigation for an RMP-reportable incident.
- ❑ EPA proposing to reinstate most of the 2017 third party audit provisions with some changes. A third party audit would be required after 1 or 2 accidents, depending on the facility. Facilities must list in their plans any audit findings they decline.



# Employee Participation

- ❑ EPA proposing additional provisions around employee participation to Program 2 and 3 facilities.
- ❑ Employees should be consulted when considering recommendations from PHAs, incident investigations, audits.
- ❑ Employees have stop work authority, employers should respond to employee hazard reports.
- ❑ Plans should include employee participation elements.



# Proposed Emergency Response Revisions

- ❑ Plans should include specific information on process area detectors and perimeter monitors in use to detect RMP chemicals.
- ❑ Additional notification procedures to community if an accident occurs.
- ❑ Notification procedures available upon request to public within 6 miles of facility.
- ❑ Field exercise requirements for certain facilities.
- ❑ The public can request specific chemical hazard information if they reside within 6 miles of a facility.



## Compliance Dates

- ❑ Comply with new STAA, root cause, third party audit, emergency response, and information availability provisions within 3 years.
- ❑ Comply with revised field exercise frequency by 2027 or within 10 years of date of last field exercise conducted between 3/15/2017 and date of publication in FR.
- ❑ Four years after effective date of final rule to update risk management plans to reflect new requirements.
- ❑ EPA estimates there are 11,740 facilities covered and proposed requirements will cost about \$76 million.



## Implications/What's Next?

- ❑ Although RMP facility accident rates are low, EPA is focused on incorporating climate and EJ elements into the RMP Rule.
- ❑ Although STAA requirement is focused on petroleum and chemical facilities, EPA has requested comment on whether to expand requirements and/or applicability.
- ❑ EPA has requested comment on whether it has done enough to address natural hazards.
- ❑ EPA has requested comment on security risk associated with information availability to public.
- ❑ Work with your industry association to provide comments.

# Questions or Comments?

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