

Overview of EPA's
Risk Management Plan
(RMP) Rule
40 CFR 68

RMP Rule

- As part of the Clean Air Act, the Environmental Protection Agency (EPA) enacted the initial Risk Management Rule in August, 1996.
- It is designed to minimize the chemical risk associated with an accidental release of certain toxic and flammable chemicals and to improve communication to the public about accident prevention and emergency response programs.
- It applies to chemical processes involving substances as defined by the rule.
 - Currently, there are 140 regulated substances listed in the rule (77 toxic and 63 flammable)

Compliance Activities

- **Hazard Assessment** – Identifies the potential effects of an accidental release
- **Prevention Programs** – Identifies safety precautions taken to prevent an accidental release
- **Emergency Response** – Identifies emergency response procedures and practices utilized in the event of an accidental release

Hazard Assessment

- Offsite Consequence Analysis (OCA)
 - Worst Case Release Scenario
 - Toxic Scenario(s)
 - Flammable Scenario(s)
 - Alternative Release Scenario
 - Toxic Scenario(s)
 - Flammable Scenario(s)
- Five Year Accident History

Scenario Definition

- RMP regulations require extremely conservative assumptions to be incorporate into these scenarios.
- A Worst Case Release Scenario is defined as the release from the largest quantity of a regulated substance that results in the greatest distance to an endpoint.
- An Alternative Release Scenario is defined as a release of a regulated substance that is more likely to occur than the Worst Case Release Scenario.

Endpoint Distance

- Distance away from the release that could be impacted. The distance is based on the conservative conditions prescribed by the rule.
- Geographical areas identify estimated residential, public, and environmental receptors that could be affected by the scenario.
- One method that is available to both industry and the public is the RMP*Comp program.



Five Year Accident History

- The 5-year accident history includes accidental releases from covered processes that resulted in deaths, injuries, or significant property damage on site, or known offsite deaths, injuries, evacuations, sheltering in place, property damage, or environmental damage.
- The accident history is updated in the event of an accidental release. Data on the event includes a description of the release, known impacts, and operational and process changes introduced as a result of the release.

Prevention Program Elements

- ❑ Process Safety Information
- ❑ Process Hazard Analysis
- ❑ Operating Procedures
- ❑ Training
- ❑ Mechanical Integrity
- ❑ Management of Change
- ❑ Pre-Startup Review
- ❑ Compliance Audits
- ❑ Incident Investigation
- ❑ Employee Participation
- ❑ Hot Work Permit
- ❑ Contractors

Aligns with
OSHA's Process
Safety
Management
(PSM) Program

Emergency Response

- Requirements of the Emergency Response program include an emergency response plan, emergency response equipment, employee training, and procedures to ensure the program is current.
- An emergency response plan includes how to communicate to the public and response agencies, medical treatment procedures, and emergency response measures.
- The Local Emergency Planning Committee (LEPC) is a community forum for emergency response planning. LEPCs coordinate information from facilities.

Risk Management Plan

- A Risk Management Plan (RMP) for the covered process is submitted to EPA every five years or sooner for some process changes.
- The RMP is a submission that includes the elements discussed above, such as the release scenarios, accident history and emergency response program.
- RMP information is accessible to the public at designated Reading Rooms.

Executive Order 13650

- ❑ On August 1, 2013, Executive Order 13650 was signed, entitled Improving Chemical Facility Safety and Security. The Executive Order directs agencies to improve operational coordination with state and local partners; improve agency coordination and information sharing; modernize policies, regulations, and standards; and work with stakeholders to identify best practices.

- ❑ The Executive Order working group included representatives from 6 agencies:
 - U.S. Department of Homeland Security (DHS)
 - U.S. Department of Agriculture (USDA)
 - U.S. Department of Justice (DOJ)
 - U.S. Department of Labor (DOL)
 - U.S. Department of Transportation (DOT)
 - U.S. Environmental Protection Agency (EPA)



Recent RMP Regulatory History

- January 13, 2017: EPA's published amendments to the RMP Amendments Rule.
- June 14, 2017: In response to Requests for Reconsideration, EPA delayed the effective date of the 2017 RMP Amendments.
- September 2018: The D.C. Cir. vacated the June 2017 effective date delay, citing EPA that by statute, EPA's delay was limited to three months to respond to Requests for Reconsideration.
- December 19, 2019: EPA's Administrator signed the Final 2019 RMP Reconsideration Rule that modified the 2017 RMP Amendments.
- 2019 RMP Amendment rules are currently effective but are challenged in the D.C. Circuit and under review by the new administration.

2019 RMP Amendments Rule

- On November 20, 2019, EPA's Administrator signed the Final Risk Management Program (RMP) Reconsideration Rule, which included the following additions:
 - Enhanced information relating to coordination and emergency response activities in the emergency response plan;
 - A required annual emergency response notification exercise;
 - Tabletop emergency exercises every three years and field exercises in coordination with local emergency response officials; and
 - Public meeting requirement for certain RMP accidents.