

US EPA's Proposed Changes to RMP Rule

OVERVIEW

The US Environmental Protection Agency (EPA) proposed **changes to 40 CFR Part 68** on March 14, 2016 in response to Executive Order 13650 (8/1/2013) regarding, "Improving Chemical Facility Safety and Security."



PROVIDENCE

The **purpose** of this action is to **improve safety** at facilities that **use and distribute hazardous chemicals** and is in response to catastrophic chemical facility incidents -- such as the West Texas Fertilizer facility incident on April 17, 2013 that killed 15 people.

These particular changes are designed to **improve chemical process safety**, **assist local emergency authorities** in planning and responding to incidents, and **improve public awareness** of chemical hazards at regulated sources.

These changes could potentially affect approximately 12,500 facilities that have current Risk Management Programs (RMPs) with the EPA.

More information about the proposed change and how it could affect facilities is found below.

PROPOSED CHANGES

- Additional analysis of safer technology and alternatives for the Process Hazard Analysis (PHA)
- Independent third party audits
- Incident investigation root cause analysis
- Enhancements to emergency preparedness requirements
- Increased public availability of chemical hazard information
- Changes to definitions and data elements to the RMP

PROPOSED RULE REQUIREMENTS

Accident Prevention Program

1. Facilities with Program 2 or 3 processes would be required to conduct a root cause analysis as part of an incident investigation of a catastrophic release or an incident that could have reasonably resulted in a catastrophic release (i.e. near miss).

This is intended to reduce the number of accidents by requiring facilities to identify the underlying cause of an incident. Identifying the root cause rather than correcting the immediate cause will help prevent similar incidents at other locations.

2. Facilities with Program 2 or 3 processes would be required to contract with an independent third party to perform a compliance audit after the facility has a reportable release or under certain circumstances that suggest a heightened risk for an accident.

This is intended to reduce the risk of future accidents by requiring an objective auditing process to determine whether the procedures and practices developed by the owner or operator are effectively complying with accident prevention procedures and practices.

3. Facilities with Program 3 processes with North American Industrial Classification System (NAICS) codes 322 (paper manufacturing), 324 (petroleum and coal products manufacturing), or 325 (chemical manufacturing) would be required to conduct safer technology and alternative analysis (STAA) as part of their PHA and to evaluate the feasibility of any inherently safer technology (IST).

This is intended to reduce the risk of serious accidental releases by requiring facilities to conduct an examination of potentially safer technology and designs that could be implemented in lieu of or in addition to their current technologies.

Emergency Response

1. Program 2 or 3 facilities would be required to coordinate with the local emergency response agencies at least once per year to ensure resources and capabilities are in place to respond to an accidental release of a regulated substance.

As a result of improved coordination, some non-responding facilities may become responding facilities.

2. Program 2 or 3 facilities would be required to conduct notification exercises annually to ensure their emergency contact information is complete and accurate.

This is intended to reduce the impact of accidents by ensuring appropriate mechanisms and processes are in place to notify local responders when an accident occurs.

3. All responding facilities would be required to conduct a full field exercise at least once every five years and one tabletop exercise annually. Responding facilities that had a reportable accident would be required to conduct a full field exercise within one year of the accident.

This is intended to reduce the impact of an accident by ensuring emergency response personnel understand their roles in the event of an incident, local responders are familiar with the hazards at the facility, and the emergency response plan is up to date.

Enhanced Availability of Information

1. All facilities would be required to provide basic information to the public through the facility's website, or if no website exists, at public libraries or government offices or other locations appropriate for particular facilities.

A subset of facilities would also be required, upon request to provide Local Emergency Planning Committees (LEPC), Tribal Emergency Planning Committees (TEPC), or other local response agencies with summaries related to: activities on compliance audits, emergency response exercises, accident history and investigation reports, and any ISTs implemented at the facility.

2. Facilities would be required to hold a public meeting for the local community within a specific timeframe after an RMP reportable accident.

This is intended to ensure first responders and members of the community have easier access to appropriate chemical hazard information which can improve emergency preparedness and understanding of how the facility is addressing risks.

3. This action also proposes revisions to clarify or simplify the RMP submission.

This is intended to reduce the compliance burden on facilities and increase their understanding of RMP requirements.

MORE INFORMATION

The EPA's website features more information on the proposed changes and details on the executive order. Click [here](#) to visit the site.

We Can Help

Interpreting and implementing new rules and regulations can be challenging. Although the rules are subject to change, it may be beneficial to start reviewing your programs early. Some of the proposed new requirements may already be met, but some requirements may not. Providence can help you with any new rules and regulations -- whatever your needs may be. We have experience with RMPs, compliance audits, program evaluations, and numerous other RMP/Process Safety Management (PSM) services. Give us a call today!

Meaghan Wear
Environmental Scientist
meaghanwear@providenceeng.com



1201 Main Street | Baton Rouge, Louisiana 70802 | Phone: (225) 766-7400 | Fax: (225) 766-7440