



Risk Management Program (RMP) Final Rule – Key Changes

The U.S. Environmental Protection Agency (EPA) finalized amendments to the Accidental Release Prevention Requirements for RMP under the Clean Air Act, Section 112(r)(7). EPA Administrator, Gina McCarthy, signed the following Final Rule on December 22, 2016. The Final Rule is available online and can be accessed at <https://www.federalregister.gov/>. The effective date of the rule is 60 days following publication in the Federal Register. The Final Rule aims to modernize EPA's RMP regulations as required under Executive Order (EO) 13650: Improving Chemical Facility Safety and Security issued by the USA President on August 1, 2013. The focus of the EO is to reduce risks associated with hazardous chemicals incidents.

The current RMP regulations have been effective in preventing and mitigating chemical accidents, and protecting human health and environment from chemical risks and hazards. However, in the last 10 years, RMP data show that there have been more than 1,500 reportable accidents, about 500 of which had off-site impact, led to nearly 60 deaths, and 17,000 injuries. These events highlight the importance of reviewing and evaluating current regulatory requirements.

The Final Rule contains several changes to the accident prevention program requirements, including:

1. **Third Party Audits** – This provision requires a facility that has an RMP reportable accident to use an independent third party to conduct its next schedule audit. The Final Rule contains criteria for auditor competence and independence.
2. **Incident Investigations and Root Cause Analysis** – The Final Rule requires an incident investigation after any incident that resulted in or could have resulted in a catastrophic release.
3. **Safer Technology Alternative Analysis** – Safer technology and alternatives refer to risk reduction strategies developed using a hierarchy of controls that are considered inherent, passive, active, and procedural. This strategy can be applied initially to all design phases and then continuously throughout a process's life cycle.
4. **Local Coordination** – The Final Rule increases communication with Local Emergency Planning Committees (LEPCs) by requiring annual coordination by facilities with LEPCs to clarify response needs, emergency plans, roles, and responsibilities.
5. **Emergency Response Exercises** – The Final Rule requires responding facilities to conduct annual tabletop emergency response exercises with a field exercise every 5 years. All facilities are required to conduct notification exercises annually to ensure that their emergency contact information is accurate and complete. This provision is intended to reduce the impact of accidents by ensuring that appropriate mechanisms and processes are in place to notify local responders when an accident occurs.

Affinity Consultants, Inc. can assist with updating your organizations existing RMP and/or provide third party audit support of your RMP program. If you have questions regarding applicability of a new rule at your workplace, or any other safety or environmental needs, contact Tim Schwendeman at 330-854-9066 x 12.

More Information:

<https://www.epa.gov/rmp/final-amendments>