

Safer Communities by Chemical Accident Prevention RMP Proposed Rule Fact Sheet

EPA is proposing to strengthen its Risk Management Program (RMP) regulations ([40 CFR Part 68](#)) following a review of the existing RMP requirements and after considering information gathered from the [2021 Virtual Public Listening Sessions](#). These proposed amendments, the [Safer Communities by Chemical Accident Prevention \(SCCAP\)](#) proposed rule, further protect vulnerable communities from chemical accidents, especially those living near facilities with high accident rates. The proposed rule also includes new provisions that have not been addressed in prior RMP rules. EPA believes these revisions could increase protections for human health and the environment from chemical hazards, through advancement of process safety and lessons learned. The Agency looks forward to working with communities with environmental justice concerns, public health advocates, and other stakeholders during the public comment process.

What are the proposed changes in the SCCAP Proposed Rule?

Prevention Program (Subparts C and D)

- **Natural hazards and power loss*:** (1) Adding amplifying regulatory text to emphasize that natural hazards (including those that result from climate change) and loss of power are among the hazards that must be addressed in Program 2 hazard reviews and Program 3 process hazard analyses. (2) Requiring a justification in the Risk Management Plan when hazard evaluation recommendations are not adopted.*
- **Facility Siting:** (1) Emphasizing that facility siting should be addressed in hazard reviews and explicitly define the facility siting requirement for Program 2 hazard reviews and Program 3 process hazard analyses. (2) Requiring a justification in the Risk Management Plan when facility siting hazard recommendations are not adopted.*
- **Safer technologies and alternatives analysis (STAA):** (1) Requiring a STAA and practicability of inherently safer technologies and designs considered for (a) RMP-regulated processes classified under North American Industrial Classification System (NAICS) code 324 and 325 within one mile of another RMP-regulated facility that also has a process classified under NAICS code 324 or 325 and (b) RMP-regulated hydrofluoric acid alkylation processes classified under NAICS 324. (2) Requiring a justification in the Risk Management Plan when STAA recommendations are not adopted.* Increased access to this information promotes transparency and gives more opportunities for the public to be involved.
- **Root cause analysis:** Requiring a formal root cause analysis incident investigation when facilities have had an RMP-reportable accident.
- **Third-party compliance audits:** (1) Requiring the next scheduled compliance audit be a third-party audit when an RMP-regulated facility experiences: (a) two RMP-reportable accidents within five years, or (b) one RMP-reportable accident within five years by a facility with a Program 3 process classified under NAICS code 324 or 325 within one mile of another RMP regulated facility that also has a process classified under NAICS code 324 or 325. (2) Requiring a justification in the Risk Management Plan when third-party compliance audit recommendations are not adopted.*
- **Employee participation*:** (1) Requiring employee participation in resolving process hazard analyses, compliance audit and incident investigation recommendations and findings. (2) Outlining

*Indicates provisions that have not been addressed in prior RMP rules.

stop work procedures in Program 3 employee participation plans. (3) Requiring Program 2 and Program 3 employee participation plans to include opportunities for employees to anonymously report RMP-reportable accidents or other related RMP non-compliance issues.

Emergency Response (Subpart E)

- **Community Notification of RMP Accidents*:** (1) Requiring non-responding RMP facilities to develop procedures for informing the public about accidental releases. (2) Requiring release notification data be provided to local responders. (3) Ensuring a community notification system is in place for notification of RMP-reportable accidents.
- **Emergency Response Exercises:** (1) Requiring a 10-year frequency for field exercises unless local responders indicate that frequency is infeasible. (2) Requiring mandatory scope and reporting requirements for emergency response exercises.

Information Availability (Subpart H, § 68.210)

- **Enhanced Information Availability*:** New requirements for the facility to provide chemical hazard information upon request to residents living within 6 miles of the facility, in the language requested. Under the current regulation, facilities are not required to provide this information.

Other Areas of Technical Clarification (Subparts A, C, D)

Minor regulatory edits proposing to:

- Require Program 3 process safety information be kept up to date,
- Make Program 2 and Program 3 requirements consistent for recognized and generally accepted good engineering practices (RAGAGEP),
- Retain hot work permits for five years,
- Further define the ‘storage incident to transportation’ term and the retail exemption, and
- Require RAGAGEP review in process hazard analyses.

What are the proposed compliance dates for the proposed changes?

EPA is proposing to require regulated sources to comply with:

- New STAA, incident investigation root cause analysis, third-party compliance audit, employee participation, emergency response public notification, exercise evaluation reports, and information availability provisions, three years after the effective date of the final rule.
- Revised emergency response field exercise frequency provision by March 15, 2027, or within 10 years of the date of an emergency response field exercise conducted between March 15, 2017, and the date of publication of the proposed rule in the Federal Register.
- Updates and resubmission of risk management plans with new and revised data elements, four years after the effective date of the final rule.

What are the estimated costs for the proposed RMP SCCAP Rule?

EPA estimates the rule will cost approximately \$77 million a year.

Where can I get more information?

- SCCAP Proposed Rule (Prepublication Version): https://www.epa.gov/system/files/documents/2022-08/Prepub%20Version%20RMP%20SCCAP%20Proposed%20Rule_0.pdf
- SCCAP Proposed Rule Docket: www.regulations.gov/docket/EPA-HQ-OLEM-2022-0174
- EPA RMP SCCAP webpage: www.epa.gov/rmp/risk-management-program-safer-communities-chemical-accident-prevention-proposed-rule
- EPA RMP webpage: www.epa.gov/rmp