CHAPTER 2: APPLICABILITY OF PROGRAM LEVELS

2.1 WHAT ARE PROGRAM LEVELS?

Once you have decided that you have one or more processes subject to this rule (see Chapter 1), you need to identify what actions you must take to comply. The rule imposes different requirements on processes based on the potential for public impacts and the level of effort needed to prevent accidents. EPA has set three levels of requirements that apply to covered processes:

> **Program 1:** Processes with no public receptors within the distance to the endpoint from a worst-case release and with no accidents with specific offsite consequences within the past five years are eligible for Program 1, which imposes minimal requirements on the process.
>
> **Program 2:** Processes not eligible for Program 1 or subject to Program 3 are placed in Program 2, which imposes a streamlined prevention program.
>
> **Program 3:** Processes not eligible for Program 1 and either subject to OSHA's PSM standard under federal or state OSHA programs or in ten specified North American Industry Classification System (NAICS) codes are placed in Program 3, which imposes the OSHA PSM program as the prevention program.

If you can qualify a process for Program 1, it is in your best interests to do so, even if the process is already subject to OSHA PSM. For Program 1 processes, the implementing agency will inspect and enforce only on compliance with the minimal Program 1 requirements. If you assign a process to Program 2 or 3 when it might qualify for Program 1, the implementing agency will inspect or enforce for compliance with all the requirements of the higher program levels. If, however, you are already in compliance with the prevention elements of Program 2 or Program 3, you may want to use the RMP to inform the community of your prevention efforts.

See Exhibit 2-1 for a diagram of the decision rules on Program level.

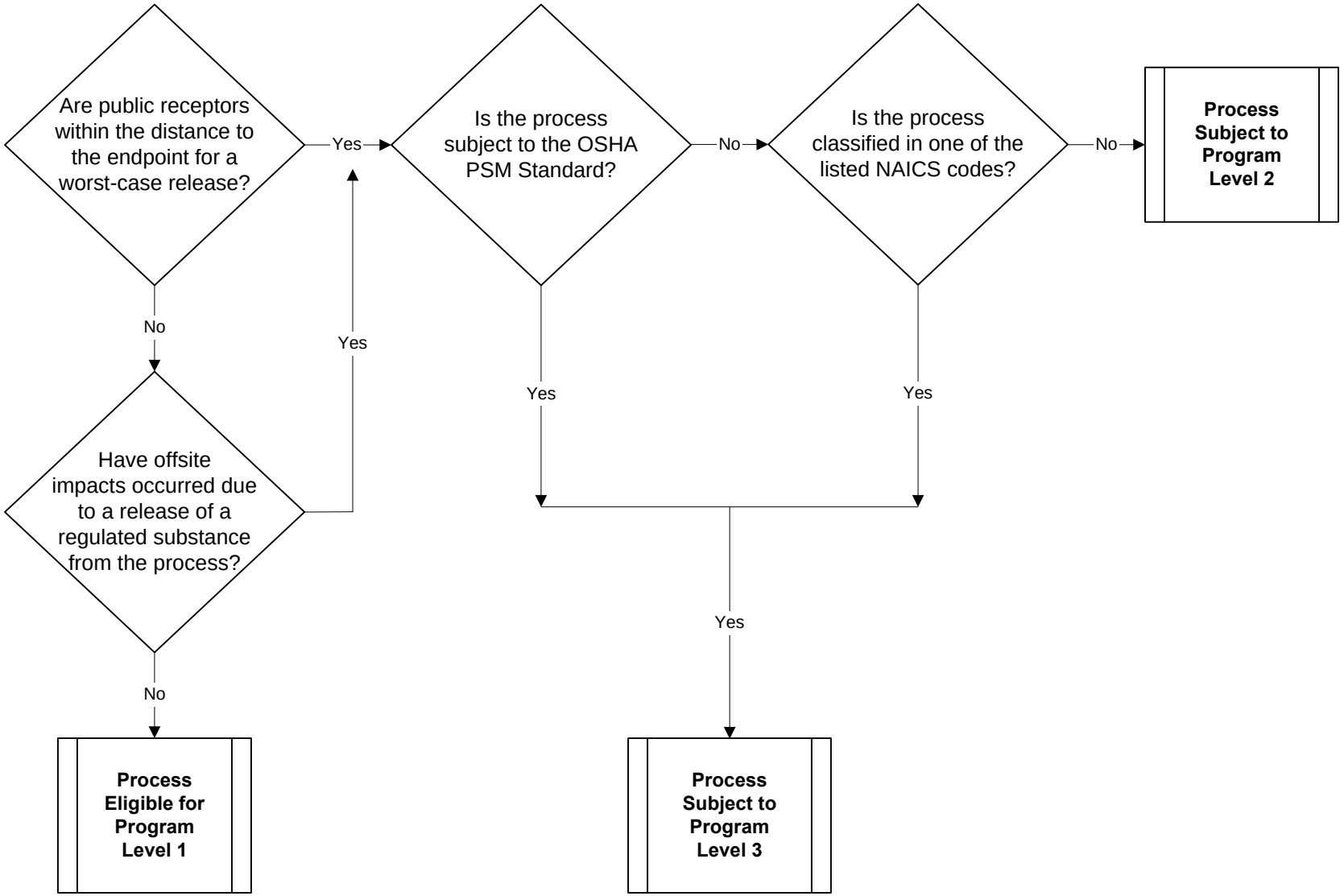
KEY POINTS TO REMEMBER

In determining program levels for your process(es), keep in mind the following:

(1) **The program levels apply to individual processes** and generally indicate the risk management measures necessary to comply with this regulation for the process, not the facility as a whole. The eligibility of one process for a program level does not influence the eligibility of other covered processes for other program levels.

(2) **Any process can be eligible for Program 1**, even if it is subject to OSHA PSM or is in one of the NAICS codes.

EXHIBIT 2-1
EVALUATE PROGRAM LEVELS FOR COVERED PROCESSES



(3) Program 2 is the default program level. There are no "standard criteria" for Program 2. Any process that does not meet the eligibility criteria for either Programs 1 or 3 is subject to the requirements for Program 2.

(4) Only one Program level can apply to a process. If a process consists of multiple production or operating units or storage vessels, the highest Program level that applies to any segment of the process applies to all parts.

Q & A
PROCESS AND PROGRAM LEVEL

Q. My process includes two interconnected units, as well as several storage vessels and a warehouse that are co-located. Several sections of the process could qualify for Program 1. Can I divide my process into sections for the purpose of assigning Program levels?

A. No, you cannot subdivide a process for this purpose. The highest Program level that applies to any section of the process is the Program level for the whole process. If the entire process is not eligible for Program 1, then the entire process must be assigned to Program 2 or Program 3.

2.2 PROGRAM 1

WHAT ARE THE ELIGIBILITY REQUIREMENTS?

Your process is eligible for Program 1 if:

(1) There are no public receptors within a distance to an endpoint from a worst-case release;

(2) The process has had no release of a regulated substance in the past five years where exposure to the substance, its reaction products, overpressures generated by explosion involving the substance, or radiant heat from a fire involving the substance resulted in offsite deaths, injuries, or response or restoration activities for exposure of an environmental receptor; and

(3) You have coordinated your emergency response activities with the local responders. (This requirement applies to any covered process, regardless of program level.)

WHAT IS A PUBLIC RECEPTOR?

The rule defines **public** as "any person who is not an employee or contractor of the stationary source." Consequently, employees of other facilities that may share your site are considered members of the public even if they share the same physical location. Being "the public," however, is not the same as being a public receptor.

Public receptors include offsite residences, institutions (e.g., schools and hospitals), industrial, commercial, and office buildings, parks, or recreational areas inhabited or occupied by the public at any time without restriction by the stationary source. **Offsite** means areas beyond your property boundary and "areas within the property boundary to which the public has routine and unrestricted access during or outside of business hours."

For most facilities, the meaning of the definition of public receptor is straightforward. If you restrict access to your property at all times, public receptors are any occupied buildings or public gathering areas beyond your boundaries. Access restrictions include precautions such as a fully fenced site, security guards on duty at a reception area, or ID badges necessary to gain entry.

If you have unrestricted sections of your site that are predictably used by the public (e.g., ball fields or picnic areas), then these sections would also be considered public receptors. Neighboring businesses, whether commercial or industrial, are considered public receptors, as are residences, institutions such as hospitals, schools, prisons, marinas and airport terminals, public and private parking lots, golf courses, transit stations, and toll booth plazas for roads and bridges. The ability of others to restrict access to an area does not change its status as a public receptor.

Not all areas offsite are public receptors. Public roads and bridges are not considered public receptors. For other areas, you need to make a reasonable determination as to whether the public is likely to inhabit or occupy an offsite area. For example, a facility located in a remote mountainous area surrounded by unimproved forest might reasonably determine that the surrounding land is not a public receptor, even if it is infrequently traversed by hunters or fishermen. If a remote facility borders a park or wilderness area, the parts of the park, such as the campground, picnic area, or hiking trails that are likely to be occupied by the public, even if only seasonally, would be considered public receptors. Farm land may or may not be a public receptor. If farm workers are usually present, the farm land is a public receptor. If, however, the farm or ranch land is rarely occupied by workers, it may not be a public receptor. If you are in doubt about whether to consider certain areas around your facility as public receptors, you should consult with local emergency planning officials, local or state authorities, the land owners, and your implementing agency for guidance on whether such areas should be considered as public receptors.

WHAT IS A DISTANCE TO AN ENDPOINT FROM A WORST-CASE RELEASE?

The rule establishes "endpoints" for each substance and defines a worst-case release scenario (see Chapter 4 or the RMP Offsite Consequence Analysis Guidance for more information). You will have to define a worst-case release (usually the loss of the total contents of your largest vessel) and either use EPA's guidance or conduct modeling on your own to determine the distance to the endpoint. Beyond that point, the effects on people are not considered to be severe enough to merit the need for additional action under this rule.

QS & AS
PUBLIC RECEPTORS

Q. My processes are fenced, but my offices and parking lot for customers are not restricted. What is considered offsite?

A. The unrestricted areas would be considered potential public receptors.

Q. What is considered a recreational area?

A. Recreational areas would include most bodies of waters (oceans, lakes, rivers, and streams) because they are used for fishing, swimming, or boating. Areas that are predictably used by hunters, fishermen, bird watchers, children, bike riders, or hikers would be considered recreational areas. Areas where there are places for public to gather (e.g., ball fields, picnic tables, jungle gyms, hiking paths, campsites) would be considered recreational areas. Even if an area is only used during certain parts of the year for recreation, it would still be considered a recreational area. EPA recognizes that some judgment is involved in determining whether an area should be considered a public receptor. You are responsible for making a reasonable judgment. If you have doubts about whether an area can be legitimately excluded from consideration as a public receptor, EPA encourages you to consult with local officials and the community to reach an agreement on an area's status; your local emergency planning committee (LEPC) can help you with these consultations. If your facility is surrounded by undeveloped land, you may also want to consult with the land owner.

Q. Does public receptor cover only buildings on a property or the entire property? If the owner of the land next to my site restricts access to the land, is it still a public receptor?

A. Public receptors are not limited to buildings. For example, if there are houses near your property, both the houses and their yards are considered public receptors because it is likely the people will be present in both at times and would be in more danger if they were outside when a release occurred. If the owner of a neighboring property restricts access to the land, the question you will need to consider is whether that land is generally unoccupied. If your site abuts farm land where farm workers are generally present, it is considered a public receptor. If the land is undeveloped or rarely has anyone on it, but you are uncertain about whether to consider it a public receptor, you should talk with the landowner and the community to reach an agreement on its status. Because it is the landowner and members of the local community who are likely to be affected by your decision, you should involve them in the decision is you have doubts.

To define the area of potential impact from the worst-case release, draw a circle on a map, using the process as the center and the distance to the endpoint as the radius. If there are any public receptors within that area, your process is not eligible for Program 1.

Q and A
Determining Distances

Q. Our distance to the endpoint for the worst-case release is 0.3 miles. The nearest public receptor is 0.32 miles away. What tools are available to document that the public receptor is beyond the distance to the endpoint so we can qualify for Program 1?

A. The results of any air dispersion model (from EPA's guidance documents or other models) are not precise predictions. They represent an estimate, but the actual distances to the endpoint could be closer to or farther from the point of release. If your distance to the endpoint and distance to a public receptor are so close that you cannot document, using a USGS map, that the two points are different, it would be advisable to comply with the higher Program level. (The most detailed maps available from the US Geological Survey (scale of 1:24,000) are not accurate enough to map the distances you cite and document that the two points (which are about 100 feet apart) differ. GPS systems now have a margin of error of 22 meters (about 0.014 miles or 72 feet); if you are using a GPS system, you may be able to document that these points are different.)

ACCIDENT HISTORY

To be eligible for Program 1, no release of the regulated substance from the process can have resulted in offsite deaths, injuries, or response or restoration activities at an environmental receptor during the five years prior to submission of your RMP. A release of the regulated substance from another process has no bearing on whether the first process is eligible for Program 1.

WHAT IS AN INJURY?

An injury is defined as "any effect on a human that results from direct exposure to toxic concentrations, radiant heat, or overpressures from accidental releases or from the direct consequences of a vapor cloud explosion (such as flying glass, debris, and other projectiles) from an accidental release." The effect must "require medical treatment or hospitalization." This definition is taken from the OSHA regulations for the keeping of the employee injury and illness logs and should be familiar to most employers. Medical treatment is further defined as treatment, other that first aid, administered by a physician or registered professional personnel under standing orders from a physician. The definition of medical treatment will likely capture most instances of hospitalization. However, if someone goes to the hospital following direct exposure to a release and is kept overnight for observation (even if no specific injury or illness is found), that would qualify as hospitalization.

WHAT IS AN ENVIRONMENTAL RECEPTOR?

The environmental receptors you need to consider are limited to natural areas such as national or state parks, forests, or monuments; officially designated wildlife

sanctuaries, preserves, refuges, or areas; and Federal wilderness areas. All of these areas can be identified on local U.S. Geological Survey maps.

WHAT ARE RESTORATION AND RESPONSE ACTIVITIES?

The type of restoration and response activity conducted to address the impact of an accidental release will depend on the type of release (volatilized spill, vapor cloud, fire, or explosion), but may include such activities as:

- Collection and disposal of dead animals and contaminated plant life;
- Collection, treatment, and disposal of soil;
- Shutoff of drinking water;
- Replacement of damaged vegetation; or
- Isolation of a natural area due to contamination associated with an accidental release.

If an impact occurs, such damaged vegetation, and no steps are taken to replace the vegetation, the process remains eligible for Program 1.

Q & A
ENVIRONMENTAL RECEPTORS

Q. Do environmental receptors include areas that are not Federal Class I areas under the CAA?

A. Yes. The list of environmental receptors in Part 68 is not related to the Federal Class I areas under CAA section 162. Under Part 68, national parks, monuments, and wilderness areas are not limited by size criteria. In addition, other areas are covered; for example, national forests and state parks, monuments, and forests are environmental receptors.

DOCUMENTING PROGRAM 1 ELIGIBILITY

As part of your risk management program, you must keep records of your compliance with this requirement. For each Program 1 process, your records should include the following:

- The worst-case release scenario, which shall include a description of the vessel or pipeline and substance selected as worst case, assumptions and parameters used, and the rationale for selection.
- Assumptions shall include use of any administrative controls and any passive mitigation that were assumed to limit the quantity that could be released;
- Documentation of estimated quantity released, release rate, and duration of

release;

- The methodology used to determine distance to endpoints;
- Data used to determine that no public receptor would be affected;
- Information on your coordination with public responders.

2.3 QUICK RULES FOR DETERMINING PROGRAM 1 ELIGIBILITY

You generally will not be able to predict with certainty that the worst-case analysis for a particular process will be eligible for Program 1. Processes containing certain substances, however, may be more likely than others to be eligible for Program 1, and processes containing certain other substances may be very unlikely to be eligible for Program 1 because of the toxicity and physical properties of the substances. The information presented below may be useful in helping you to decide whether to carry out analyses of processes to determine Program 1 eligibility (accident history criteria must be met separately).

TOXIC GASES

If you have a process containing more than a threshold quantity of any regulated toxic gas that is not liquefied by refrigeration alone (i.e., you hold it as a gas or liquefied under pressure), the distance to the endpoint estimated using EPA's required worst-case assumptions is unlikely to be less than the distance to public receptors, unless your site is very remote; these distances will generally be several miles. In some cases, however, toxic gases in processes in enclosed areas may be eligible for Program 1.

REFRIGERATED TOXIC GASES

If you have a process containing anhydrous ammonia liquefied by refrigeration alone, and your worst-case release would take place into a diked area, the chances are good that the process may be eligible for Program 1, unless there are public receptors very close to the process. Even if you have many times the threshold quantity of ammonia, it probably will be worth your while to carry out the consequence analysis to see whether the process may be eligible for Program 1.

If you have a process containing ethylene oxide, anhydrous hydrogen fluoride, or methyl chloride liquefied by refrigeration alone, and the release would take place in a diked area, the process may be eligible for Program 1, depending on the size of the diked area, the quantity of the regulated substance, and the location of public receptors.

The worst-case analysis for a process containing chlorine liquefied by refrigeration is unlikely to show eligibility for Program 1, unless your site is extremely remote from the public or the release would occur within an enclosure.

QS & AS
ACCIDENT HISTORY

Q. What is the relationship between the accident history for Program 1 and the five-year accident history? If my process is eligible for Program 1, do I still need to do a five-year accident history.

A. Although both cover the previous five years, the accidental release criteria for Program 1 and the general accident history for the source are different.

- The five-year accident history is an information collection requirement that is designed to provide data on all serious accidents from a covered process involving a regulated substance held above the threshold quantity.

- In contrast, the Program 1 criteria focus on whether the process in question has the potential to experience a release of the regulated substance that results in harm to the public based on past events. Onsite effects, sheltering-in-place, and evacuations are not relevant. Therefore, it is possible that a process eligible for Program 1 may still have experienced a release that must be reported in the accident history for the source.

Q. A process with more than a threshold quantity of a regulated substance had an accident with offsite consequences three years ago. After the accident, we altered the process to reduce the quantity stored on site. Now the worst-case release scenario indicates that there are no public receptors within the distance to an endpoint. Can this process qualify for Program 1?

A. No, the process cannot qualify for Program 1 until five years have passed since any accident with the specified consequences.

Q. A process involving a regulated substance had an accidental release with offsite consequences two years ago. The process has been shutdown. Do I have to report anyway?

A. No. The release does not have to be included in your accident history. Your risk management plan only needs to address processes that have more than a threshold quantity of a regulated substance on the date you file your RMP.

TOXIC LIQUIDS

The distance to the endpoint from the worst-case analysis for toxic liquids kept under ambient conditions may be smaller than the distance to public receptors in a number of cases. If public receptors are not found very close to the process (within ½ mile), such processes may be eligible for Program 1. Small acreage facilities in highly developed areas are unlikely to meet this criterion; it will be more relevant to remotely located facilities or processes found near the center of large acreage sites. Substances that are potential candidates to be in processes that are eligible for Program 1 are noted below. Generally, processes that contain toxic liquids at elevated temperatures, including the toxic liquids listed below, would be less likely

to be eligible for Program 1 than those at ambient temperature, and processes in diked areas are more likely to be eligible for Program 1 than those in undiked areas.

For processes containing toluene diisocyanate (including toluene 2,4-diisocyanate, toluene 2,6-diisocyanate, and unspecified isomers) or ethylene diamine, the analysis of a spill of more than a threshold quantity into an undiked area under ambient conditions is likely to demonstrate eligibility for Program 1. If the area of the spill is diked, processes containing very large quantities of these substances may be eligible for Program 1. In addition, processes containing the following toxic liquids under ambient conditions are likely to be eligible for Program 1 if a spill would take place in a diked area and public receptors are not close to the process:

- Chloroform
- Cyclohexylamine
- Hydrazine
- Isobutyronitrile
- Isopropyl chloroformate
- Oleum
- Propylene oxide
- Titanium tetrachloride
- Vinyl acetate monomer

WATER SOLUTIONS OF TOXIC SUBSTANCES

The list of regulated substances includes several common water solutions of toxic substances. Processes containing such solutions at ambient temperatures may be eligible for Program 1 (depending in some cases on the concentration of the solution), if spills would be contained in diked areas and public receptors are not located close to the process (within ½ mile). As noted above, small acreage facilities in developed areas are highly unlikely to meet this criterion; it will be more relevant to remotely located facilities or processes found near the center of large acreage sites.

Processes containing the following water solutions may be eligible for Program 1, assuming diked areas that would contain the spill and ambient temperatures:

- Ammonia in solution
- Formaldehyde (commercial concentrations)
- Hydrofluoric acid (concentration 50 to 70 percent)
- Nitric acid (commercial concentrations)

FLAMMABLE SUBSTANCES

Many processes containing regulated flammable substances are likely to be eligible for Program 1, unless there are public receptors within a very short distance. If you have a process containing up to about 20,000 pounds (twice the threshold quantity) of a regulated flammable substance (other than hydrogen), your process is likely to be eligible for Program 1 if you have no public receptors within about 400 yards (1,200 feet) of the process. If you have up to 100,000 pounds in a process (ten times

the threshold quantity), the process may be eligible for Program 1 if there are no public receptors within about 700 yards (2,000 feet). In general, it would be worthwhile to conduct a worst-case analysis for any processes containing flammables to determine Program 1 eligibility, unless you have public receptors very close to the process. You must be able to demonstrate, through your worst-case analysis, that every process you claim is Program 1 meets the criteria.

2.4 PROGRAM 3

Any covered process that is not eligible for Program 1 and meets one of the two criteria specified below is covered by Program 3 requirements. Program 3 sets risk management measures, including compliance with the OSHA PSM Standard, for an eligible covered process.

WHAT ARE THE ELIGIBILITY CRITERIA FOR PROGRAM 3?

Your process qualifies for Program 3 if:

- Your process does not meet the eligibility requirements for Program 1, and
- Either
  - (a) Your process is subject to OSHA PSM (federal or state); or
  - (b) Your process is in one of ten NAICS codes specified by EPA.

WHAT IS THE OSHA PSM STANDARD?

The OSHA Process Safety Management standard (codified at 29 CFR 1910.119) is a formal set of procedures in thirteen management areas designed to protect worker health and safety from accidental releases. As with EPA's rule, they apply to a range of facilities that have more than a threshold quantity of a listed substance in a process. All processes subject to this rule and the OSHA PSM standard (federal or state) and not eligible for Program 1 are assigned to Program 3 because the Program 3 prevention program is identical to the elements of the PSM standard. If you are already complying with OSHA PSM for a process, you probably will need to take few, if any, additional steps and develop little, if any, additional documentation to meet the requirements of the Program 3 prevention elements (see Chapter 7 for a discussion of differences between Program 3 prevention and OSHA PSM). EPA placed all covered OSHA PSM processes in Program 3 to eliminate the possibility of imposing overlapping, inconsistent requirements on the same process.

Processes covered by OSHA PSM may include equipment, activities, and regulated substances, particularly flammables used as fuels, that in other circumstances are exempted under the OSHA PSM standard.

WHAT ARE THE TEN NAICS CODES?

The ten NAICS codes are pulp mills, certain chemical manufacturers, and petroleum refineries. They do not apply to chemical distributors. If you have a process in Program 3, it will be because it is subject to OSHA PSM.

2.5 PROGRAM 2

Program 2 is considered a default program level because any covered process that is not eligible for Program 1 and Program 3 requirements is, by default, covered by Program 2 requirements. Program 2 sets risk management measures, including a streamlined accident prevention program, for an eligible covered process. Your process(es) are likely to be in Program 2 if:

- You are a retailer and do not perform any chemical processing activities.
- You are a publicly owned facility in a state that does not have a delegated OSHA program.
- You use the regulated acids in solution, and your activities do not fall into one of the ten specified NAICS codes.
- You store regulated liquid flammable substances in atmospheric storage tanks.

WHAT ARE THE ELIGIBILITY CRITERIA FOR PROGRAM 2?

Your process is eligible for Program 2 if:

- Your process does not meet the eligibility requirements for Program 1;
- Your process is not subject to OSHA PSM (federal or state); and
- Your process is not categorized in the ten NAICS codes.

When determining what program level is appropriate for your covered process, keep in mind that if it does not meet the Program 1 criteria, if it is not covered by OSHA PSM, and it is not in the NAICS codes, the process automatically is subject to Program 2 requirements.

Exhibit 2-2 provides a summary of the requirements for Program eligibility.

EXHIBIT 2-2
PROGRAM LEVEL CRITERIA

Program 1	Program 2	Program 3
No accidents in the previous five years that resulted in any offsite: Death Injury Response or restoration activities at an environmental receptor	The process is not eligible for Program 1 or subject to Program 3.	Process is not eligible for Program 1.
AND		AND
No public receptors in worst-case circle.		Process is subject to OSHA PSM.
AND		OR
Emergency response coordinated with local responders.		Process is classified in NAICS code 32211 (pulp mills) 32411 (petroleum refineries) 32511 (petrochemical manufacturers) 325181 (chlor-alkali manufacturers) 325188 (all other inorganic chemicals manufacturers) 325192 (other cyclic crude and intermediate manufacturers) 325199 (all other basic organic chemical manufacturers) 325211 (plastics and resins manufacturers) 325311 (nitrogen fertilizer manufacturers) 32532 (pesticide and other agricultural chemicals manufacturers)

Qs & As
NAICS CODES

Q. Does the NAICS code apply to the facility or the process?

A. NAICS codes are assigned to each process. If all you do is distribute or repackage chemicals, you will have a single code for the facility that will apply to each process. If, however, you mix chemicals, for example, to create a fertilizer mix, that process would have a different code.

Q. Chemical distributors were in SIC code 5169. Is there a different code under the new system?

A. Yes, the NAICS code for chemical distributors is 42269.

2.6 DEALING WITH PROGRAM LEVELS

WHAT IF I HAVE MULTIPLE PROGRAM LEVELS?

If you have more than one covered process, you may be dealing with multiple program levels in your risk management program.

If your facility has multiple processes subject to different program requirements, you will need to treat each group of processes in the same program level (and potentially each process) separately from the other processes and program level requirements. Nevertheless, you must submit a single RMP for all covered processes. At the same time, if you prefer, you may choose to adopt the most stringent applicable program level requirements for all covered processes:

For example, you have three covered processes: one eligible for Program 1 and two subject to Program 3. You may find it administratively easier to follow the Program 3 requirements for all three covered processes. Remember that this is only an option; we expect that most sources will comply with the set of program level requirements for which each process is eligible.

Q & A
OSHA

Q. If my state administers the OSHA program under a formal delegation from the federal OSHA, does that mean that my processes subject to OSHA PSM under state rules are in Program 3?

A. Yes (as long as the process does not qualify for Program 1). Any process for which a facility is complying with PSM, under federal or state rules, is considered to be in Program 3.

CAN THE PROGRAM LEVEL FOR A PROCESS CHANGE?

If a covered process meets the requirements for a new program level, you must re-evaluate the requirements for the process. If you are switching to another program level, this change must be reflected in an updated RMP that must be submitted within six months of the change that altered the program level for the covered process. If the process no longer qualifies as a covered process (e.g., as a result of a change in the quantity of the regulated substance in the process), then you will need to "deregister" the process. Typical examples of switching program levels include:

MOVING UP

Program 1 to Program 2 or 3. You have a covered process subject to Program 1 requirements. A new development results in public receptors being located within the distance to the endpoint for a worst-case release. The process is no longer eligible for Program 1 and must be evaluated to determine whether Program 2 or Program 3 applies. You must submit a revised RMP within six months of the program level change, indicating and documenting that your process is now in compliance with the new program level requirements.

Not Covered to Program 1, 2 or 3. You have a process that was not covered by this rule, but, due to an expansion in production, the amount of regulated substance now exceeds the threshold quantity. You must determine which Program level applies and come into compliance with the rule by June 21, 1999, or after that time, by the time you exceed the threshold quantity.

Program 2 to Program 3. You have a process that involves a regulated substance above the threshold that is not in one of the ten NAICS codes or been subject to OSHA PSM. However, due to one of the following OSHA regulatory changes, the process is now subject to the OSHA PSM standard:

- OSHA's exemption applicable to your process has been eliminated, or
- The regulated substance has been added to OSHA's list of highly hazardous substances.

Therefore, the process is now subject to Program 3 requirements and you must submit a revised RMP to EPA within six months, indicating and documenting that your process is now in compliance with the Program 3 requirements.

SWITCHING DOWN

Program 2 or 3 to Program 1. You have a covered process subject to Program 2 or 3 requirements that experienced an accidental release of a regulated substance with offsite impacts four years ago. Subsequent process changes have made such an event unlikely (as demonstrated by the worst-case release analysis). One year after you submit your RMP, the applicability of the accident has now expired and the process is eligible for Program 1. If you elect to qualify the process for Program 1, you must submit a revised RMP within six months of the program level change, indicating and

documenting that the process is now in compliance with the new program level requirements.

Program 1, 2, or 3 to Not Covered. You have a covered process that is subject to part 68 requirements, but, due to a reduction in production, the amount of regulated substance no longer exceeds the threshold. Therefore, the process is no longer a covered process. You must submit a revised RMP within six months indicating that your process is no longer subject to any program level requirements.

2.7 SUMMARY OF PROGRAM REQUIREMENTS

Regardless of the program levels you assign to your processes, you must complete a five-year accident history for each process (see Chapter 3) and submit an RMP that covers all processes (see Chapter 9). Exhibit 2-3 diagrams the requirements in general and Exhibit 2-4 lists them in more detail.

PROGRAM 1

For each Program 1 process, you must conduct and document a worst-case release analysis. You must coordinate your emergency response activities with local responders and sign the Program 1 certification as part of your RMP submission.

PROGRAMS 2 AND 3

For all Program 2 and 3 processes, you must conduct and document at least one worst-case release analysis to cover all toxics and one to cover all flammables. You must also conduct one alternative release scenario analysis for each toxic and one for all flammables. See Chapter 4 or the *RMP Offsite Consequence Analysis Guidance* for specific requirements. You must coordinate your emergency response activities with local responders and, if you use your own employees to respond to releases, you must develop and implement an emergency response program. See Chapter 8 for more details.

For each Program 2 process, you must implement all of the elements of the Program 2 prevention program: safety information, hazard review, operating procedures, training, maintenance, compliance audits, and incident investigations. See Chapter 6 for more details.

For each Program 3 process, you must implement all of the elements of the Program 3 prevention program: process safety information, process hazard analysis, standard operating procedures, training, mechanical integrity, compliance audits, incident investigations, management of change, pre-startup reviews, contractors, employee participation, and hot work permits. See Chapter 7 for more details.

EXHIBIT 2-3
DEVELOP RISK MANAGEMENT PROGRAM AND RMP

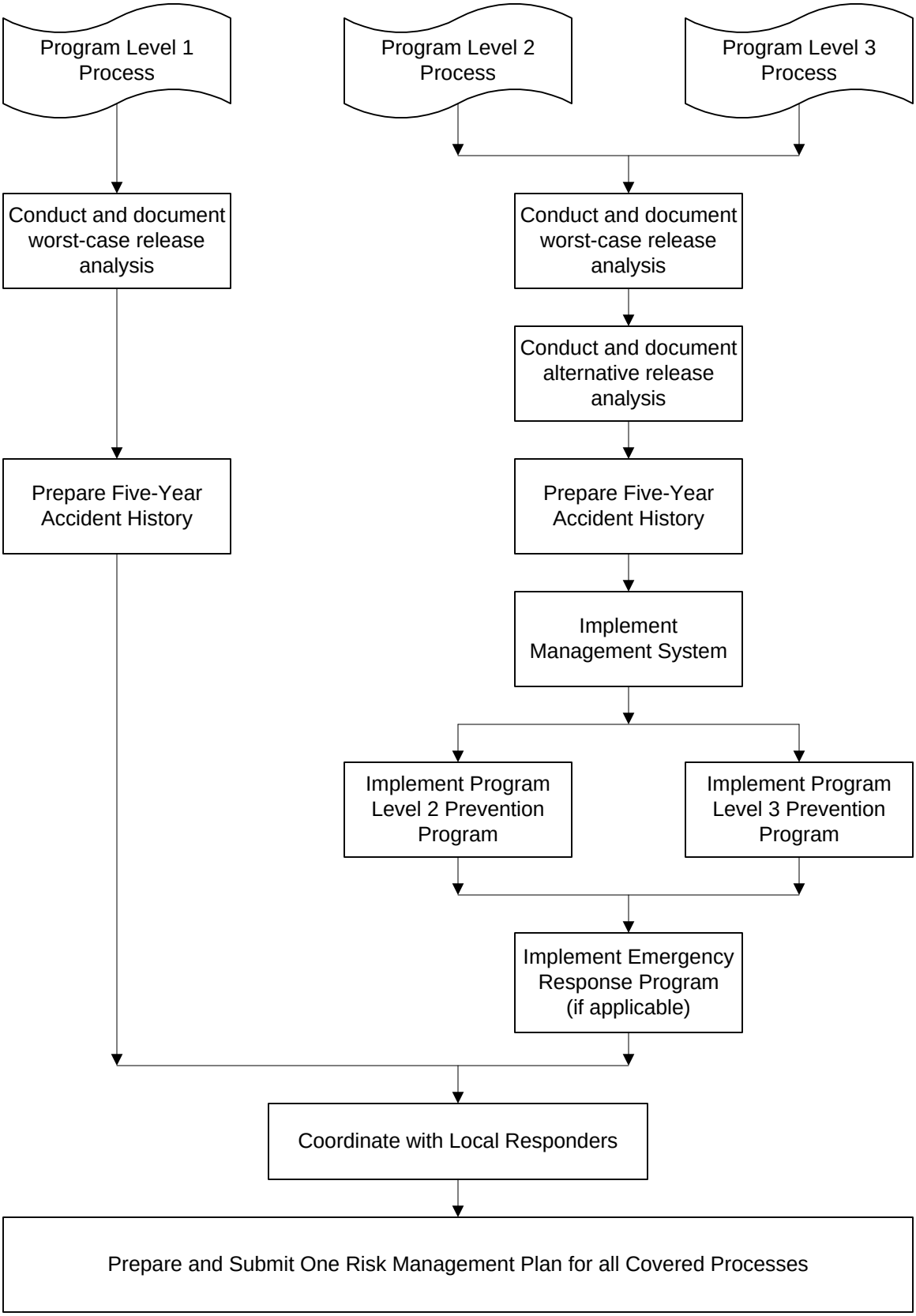


EXHIBIT 2-4 COMPARISON OF PROGRAM REQUIREMENTS		
Program 1	**Program 2**	**Program 3**
Worst-case analysis	Worst-case analysis	Worst-case analysis
	Alternative releases	Alternative releases
5-year accident history	5-year accident history	5-year accident history
	Document management system	Document management system
Prevention Program		
Certify no additional prevention steps needed	Safety Information	Process Safety Information
	Hazard Review	Process Hazard Analysis.
	Operating Procedures	Operating Procedures
	Training	Training
	Maintenance	Mechanical Integrity
	Incident Investigation	Incident Investigation
	Compliance Audit	Compliance Audit
		Management of Change
		Pre-Startup Review
		Contractors
		Employee Participation
		Hot Work Permits
Emergency Response Program		
Coordinate with local responders	Develop plan and program and coordinate with local responders	Develop plan and program and coordinate with local responders
Submit One Risk Management Plan for All Covered Processes		