

## RMP Reconsideration Proposed Rule Fact Sheet

### Overview

EPA is proposing changes to a final rule, the Risk Management Program (RMP) Amendments (82 FR 4594, January 13, 2017) to better address potential security risks and reasonable consideration of costs. The proposed changes are intended to promote better emergency planning and public information about accidents and maintain the trend of fewer significant accidents involving chemicals regulated under the RMP rule. The proposal reflects issues raised in three petitions for reconsideration of the RMP Amendments as well as other revisions EPA identified in its review of that rule. The proposed rule was published on May 30, 2018. A public hearing is scheduled for June 14, 2018. Public comments are due on or before July 30, 2018.

### Why is EPA reconsidering the RMP Amendments final rule?

EPA is reconsidering the final RMP Amendments Rule based on objections highlighted in three petitions submitted to the Agency under Clean Air Act section 307(d)(7)(B) and based on its own review of that rule. The proposal addresses:

- potential security risks associated with new information disclosure requirements introduced in the final rule,
- BATF's finding that a key incident affecting US chemical safety policy, a fire and explosion in West, Texas, was caused by a criminal act (arson) rather than being the result of an accident,
- concerns with EPA's economic analysis, and
- concerns that EPA did not coordinate its rulemaking with the Occupational Safety and Health Administration (OSHA).

EPA is proposing changes to the Amendments final rule to:

- Maintain consistency of RMP accident prevention requirements with the OSHA Process Safety Management (PSM) standard.
- Address security concerns.
- Reduce unnecessary regulations and regulatory costs.
- Revise compliance dates to provide necessary time for program changes.

### What are the proposed changes included in the RMP Reconsideration Rule?

The RMP Reconsideration Rule proposes the following changes to the RMP Amendments final rule:

- Rescinding all accident prevention program provisions of the RMP Amendments rule (i.e., third party audits, safer technology and alternatives analyses, incident investigation root cause analysis, and most other minor changes to the prevention program) so that EPA can better coordinate revisions to the RMP rule with OSHA and its PSM standard and reduce

regulatory costs. (An alternative proposal would retain certain minor changes to the prevention program provisions.)

- Rescinding most of the public information availability provisions of the RMP Amendments rule that would have provided redundant, less secure means of access to information that is available through better controlled means, while retaining the provision requiring a public meeting after an accident but with minor language modifications.
- Modifying the emergency coordination and exercise provisions of the Amendments rule to address security concerns raised by petitioners and give more flexibility to regulated facilities in complying with these provisions.
- Establishing compliance dates that are:
  - one year after the effective date of a final rule for the emergency coordination provisions,
  - two years after the effective date for the public meeting provision,
  - four years after the effective date for the emergency exercise provisions, and
  - five years after the effective date for incorporating new Subpart G data elements into a facility's risk management plan.

#### **What are the estimated cost savings for the proposed RMP Reconsideration Rule?**

The proposed rule is deregulatory, and would result in total annual cost savings (averted costs) of approximately more than \$87 million a year.