



Summary Analysis of Key Updates to the Risk Management Program (RMP) Rule in 2024

coming clean

Port Neches, TX, 2019. Chemical Safety Board.

In spring 2024, the U.S. Environmental Protection Agency (EPA) finalized the “Safer Communities by Chemical Accident Prevention” rule which updated the Risk Management Program (RMP) [1] under the Clean Air Act. EPA’s goal in finalizing this rule was “to further protect vulnerable communities from chemical accidents, especially those living near facilities in industry sectors with high accident rates.”

EPA provided fact sheets on the updated RMP rule:

- For communities ([English](#) [2] / [Español](#) [3])
- For regulated facilities ([English](#) [4] / [Español](#) [5])

Key takeaways:

The new rule is a significant improvement over the Trump rollback rule [6]. Many key provisions implemented under the Obama Administration were restored or strengthened. Learn more about the history of RMP rulemaking and advocacy to prevent chemical disasters.

EPA still includes lots of voluntary measures in this final rule that leave it up to the facility whether or not to take actions on the hazards that they identify in their analysis of danger at the facilities. **Learn more about the following specific provisions:**

[Requirements for Safer Chemicals & Processes](#) [Accounting for Climate Change](#)

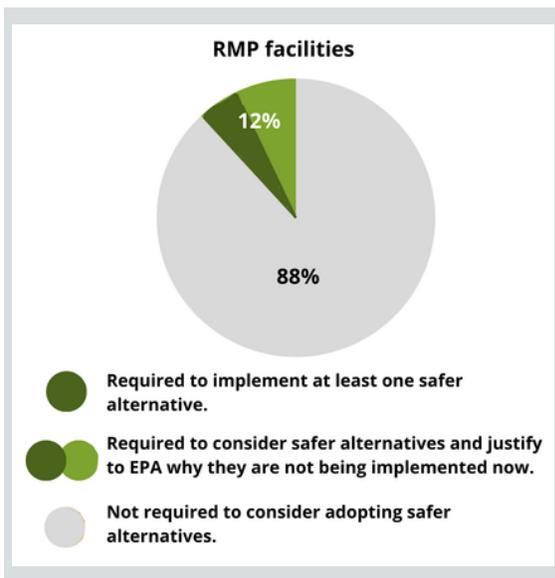
[Emergency Response Exercises](#) [Worker Protections](#) [Air Monitoring](#)

[Back-Up Power/Power Loss](#) [Facility Siting Concerns](#)

[Third Party Audits & Root Cause Analyses](#) [Community Notification of Accidents](#)

[Language Justice](#) [RMP Facility Information Access](#)

Requirements for Safer Chemicals and Processes



The new rule requires approximately 12% of RMP all facilities (about 1,400 of 11,740) to evaluate whether safer alternatives (chemicals and processes) are available and document their justification for not taking action on safer alternatives they identify. (EPA calls this a “Safer Technology and Alternatives Analysis” or “STAA”). This applies to all chemical manufacturing facilities and/or refineries facilities (classified under the North American Industry Classification System [NAICS] [7] 324 or 325) with RMP Program level 3 [8] processes. It also requires a

handful of these facilities (about 620, or 5% of all RMP facilities) to determine if any of the alternatives identified in the facility’s safer alternatives analysis are practical for the facility to implement, and to also implement at least one of the safer alternatives they identified. Such safeguards could include using safer chemical alternatives to the most hazardous ones or reducing stockpiles of some of the highest hazard chemicals. Minimally, this subset of facilities must implement “passive measures,” which EPA calls “design features that reduce either the frequency or consequence of the hazard without human, mechanical, or other energy input.” The subset of facilities affected by this part of the rule includes refineries that either have a hydrofluoric (HF) alkylation [9] process, or chemical manufacturing facilities and/or refineries within one mile of each other (from fenceline to fenceline). These facilities must have also had an incident reportable [10] under the RMP within the last 5 years.

Accounting for Climate Change

EPA updated its definition of natural hazards to include impacts due to climate change. As a result, facilities are now explicitly required to assess for and make a plan for natural hazards associated with climate change, such as power loss as a result of flooding from a massive hurricane (like what occurred at the Arkema [11] facility in Crosby, Texas during Hurricane Harvey in 2017). At the time of the Arkema incident, the RMP program did not explicitly require that the facility consider the effects of extreme weather exacerbated by climate change when assessing the kinds of hazards that may threaten the facility and document this in their risk management plans. Now, facilities will have to do so.

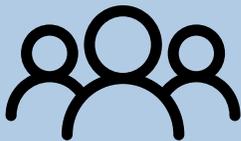


Aftermath of the Arkema disaster. Chemical Safety Board.

EPA does not, however, require that facilities take action to prevent the hazards posed by climate change that they acknowledge in their hazard assessment. The agency does require facilities to justify why they opt not to act on the identified climate-hazards, and this justification has to be shared with certain people who request it from the facility (see section on [Information Access](#) below for more details).

Emergency Response Exercises

The new rule requires at least one emergency response field exercise before March 15, 2027, and regularly at least every 10 years. This means that workers who have been employed at an RMP facility for 20 years would only be required to conduct emergency response exercises, at most, twice in their careers. Furthermore, it does not account for employee turnover or changes to processes that increase facility hazards [12].



Action alert for communities

Contact your regional EPA to ask how they are confirming that facilities are complying with this requirement.

Worker Protections

For the first time, EPA recognizes [Stop Work Authority](#) [13] as a critical safeguard for the most hazardous processes that can cause harm to the workers and the public at RMP facilities. It requires management to consult employees in resolving certain identified hazards, and to provide training on employee participation plans, which includes some anonymous reporting provisions. You can read more about worker protections [in this fact sheet from BlueGreen Alliance](#).

Air Monitoring

EPA did not [14] finalize any regulatory text on fenceline air monitoring requirements to provide real time data to local responders and the public. EPA is, however, now requiring that any existing monitoring equipment associated with prevention and detection of incidental releases from covered processes also have standby or backup power to provide continuous operation. There are no additional penalties if a facility shuts these monitors down. However, if a facility removes a monitor from service intended to prevent or detect an incidental release during imminent natural hazards (like hurricanes, tornadoes, floods or wildfires), they will be required to provide EPA with a justification for their reasoning in doing so.

Back-Up Power/Power Loss

Under the updated rule, facilities *are* required to have backup power for monitoring equipment in the event of power loss. They **are not**, however, required to have enough back-up power to safely run or shut down the entire facility. RMP facilities are required [15] to consider the hazards related to power loss in their hazard assessment and provide a justification for any hazards they do not address.

Facility Siting Concerns

EPA added a definition for “stationary source siting” in the new rule for RMP facilities with Program 2 [16] & Program 3 [17] level processes (the processes at the facility most likely to pose off-site damage in a worst case incident). By doing so, EPA clarified that these RMP facilities must take into account how the placement/siting of the hazards at their facility will affect other nearby sources and people (like other hazardous facilities, schools, hospitals, fenceline residents, etc.). EPA is still leaving it up to the facility whether or not they choose to eliminate these hazards posed to neighboring communities.

Third Party Audits and Root Cause Analyses

EPA now requires that a third-party conducts the next compliance audit at facilities with one reportable [18] incident. Third party audits could also be required by an “implementing agency” (i.e. a governing agency, like the local Air Quality Board, the state Department of Environmental Protection, or the EPA depending on who has jurisdiction) if conditions at the facility could lead to a release of a regulated substance, or when a previous third-party audit failed to meet the minimum competency or independence criteria. [19] And facilities must investigate the root cause of each reportable incident and keep records for at least 5 years on their findings and related actions.



Action alert for communities

Alert the state or local agency in charge of implementing the RMP program in your community that they have the power to require a third-party audit of facilities that have reported incidents. Request that the results of these audits be made publicly available and in languages that are most accessible to your community.

Community Notification of RMP Accidents

All RMP facilities are now required to partner [20] with emergency response agencies to ensure that a community notification system is in place, and this partnership must be documented. These community notification systems must provide warning to the public within the area potentially threatened by an RMP-reportable incident, and it must provide [21] timely data and information to both the public and emergency responders detailing the current understanding and best estimates of the nature of the incidental release. The updated rule does not, however, require that this information be made available in multiple languages.



Action alert for communities

Contact your regional EPA to ask how they are ensuring that facilities comply with this requirement, and whether communities need to “opt in” to receive emergency notifications.

Language Justice

EPA is requiring that chemical facilities provide certain pieces of RMP information to people who live, work or spend significant time within 6 miles of those facilities. It will have to be available in the 2 most commonly used languages [22] in that area aside from English. EPA did not require multilingual alerts or timely advanced community notification before an incident occurs. Instead, it is requiring facilities to partner with their local responders to ensure that notifications are in place for reportable incidents under the RMP. There isn't a requirement that these notifications are available in multiple languages to meet the community's needs. EPA's new online database of the RMP facilities is currently only available in English.

Information Access

EPA's Online Database

EPA released a publicly accessible [database](#) [23] that includes non-confidential portions of the RMP plans for each facility regulated under the rule. The information available on the new tool is industry reported data and includes:

- Facility identification (like company name, parent company, address, etc.).
- Registration information (like EPA's facility identification number and registry ID)
- Name of the most hazardous RMP chemicals that the facility has identified that could cause the worst incident if it was released into the air, and the [Program Level](#) [24] for the process that chemical is used in (it *does not* include all chemicals stored at the site, location of chemicals on site, or amounts).
- Safety Data Sheets for all RMP regulated chemicals (but you have to really dig into the tool – click on a facility name, then select submission, then click processes, then select process, then select chemical name).
- Five-year incident history of the facility (including documented incident date/time, duration, kind of release, release source, contributing factors, weather factors, on-site and off-site impacts including deaths, injuries, property damage, chemicals involved, amount released, etc.).
- Emergency response information such as the Local Emergency Planning Committee (LEPC) names and associated contact information and what is included in the emergency response plan (but you can't actually access this plan from the online database).
- De-registration information (i.e. if the facility was once RMP regulated but is no longer).
- Historical RMP plans and incident history (available dating back to the beginning of the RMP (even if the incident occurred under a different owner from the current owner).

The search engine allows you to access information by facility name, geographic location (including city, state, zip code or county), by chemical identifying information or North American Industry Classification System (or "NAICS") codes used by industry and government to classify the different kinds of chemical facilities, or RMP [Program Level](#). [25] You can also search by map (though it's a little tricky to find) or list view for the RMP facilities in your area or state.



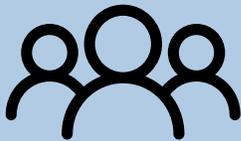
Action alert for communities

Search for facilities near you. What additional information would be helpful for informing your community? You may be able to find more information using the [Data Liberation Project's RMP submission viewer](#), [26] or by requesting more details from the facility directly (see below).

Information Available from the Facility

People who live, work, or “spend significant time” within 6 miles of an RMP-regulated facility can also request access to RMP information directly from the facility [27], and the facility has to make it available in the two most common languages spoken locally other than English. [28] The information must be available within 45 days from request.

Companies will have to tell [29] communities on their website and using social media platforms how they will make this information available. In order to receive information from the facilities, community members will have to provide some kind of proof [30] that they live, work, or spend significant time within 6 miles of the facility.



Action alert for communities

Send a request by certified mail [31] to a facility requesting access to their latest RMP submission, excluding classified information. Note their response and response time.

Differences Between EPA’s Online Database and What’s Available from Facilities

Facilities [32] are required to provide more information to community members than what is currently available on EPA’s new RMP database, but you must prove that you live, work or spend significant time within 6 miles of the facility to be able to access it. The information available from facilities includes some additional emergency response information, like how the facility will let the public and emergency responders know about releases, and a list of scheduled emergency response exercises (as long as they don’t happen within one year from the request). Facilities also have to provide communities with information on how to access community preparedness, shelter-in-place, and evacuation procedures.

Companies also have to provide [33] information about certain hazards they identified and justify any hazards they identified but chose not to act on, but this only applies to safer alternatives assessments, natural hazards, power loss, and siting hazard evaluation. For example, if a facility identified in their RMP planning that a flood resulting from a hurricane could cause power loss and then result in a reportable air emission under the RMP, they would have to provide their rationale for deciding not to take any measures to address that risk.

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