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Risk Management Program/Clean Air Act: U.S. Environmental Protection Agency Announces Proposed Revisions to Accidental Release Prevention Requirements

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The United States Environmental Protection Agency (“EPA”) on August 18th announced a prepublication proposed rule that would amend the Clean Air Act Risk Management Program (“RMP”) regulations.

EPA describes the proposed revisions as including:

- Changes and amplifications to the accident prevention program requirements
- Enhancements to the emergency preparedness requirements
- Increased public availability of chemical hazard information
- Changes to certain regulatory definitions or points of clarification

The objectives of the proposed rule are stated to include:

- Improvement of chemical process safety
- Assistance in planning, preparedness, and responding to RMP-reportable accidents
- Improvement of public awareness of chemical hazards at regulated sources

Section 112(r) of the Clean Air Act required EPA to publish regulations and guidance for chemical accident prevention for facilities that use certain hazardous substances. These regulations and guidance have been denominated by EPA as the RMP rule.

EPA promulgated the RMP rule in 1996. It requires that facilities using extremely hazardous substances develop a Risk Management Plan which:

- Identifies the potential effects of a chemical accident
- Identifies the steps the facility has taken to prevent an accident
- Details emergency response procedures should an accident occur

A key objective of such requirements is to provide necessary information to local fire, police, and emergency response personnel so they can prepare for and respond to chemical emergencies.

The RMP rule has been applicable to facilities holding more than a threshold quantity of a regulated substance in a process. A process is defined to include any activity involving a list of regulated substances including:

- Use
- Storage
- Manufacturing
- Handling
- Onsite movement of such substances
- Combination of activities

EPA in describing the August 18th proposed rule states that the requirements being proposed also include:

- Identification of safer technologies and chemical alternatives
- Requirement of more thorough and instant investigations
- Third-party auditing

A link to the 225-page prepublication notice can be found [here](#).